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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2018–0697; Special Conditions No. 23–289–SC]

Special Conditions: Cirrus Design Corporation; Model SF50 Airplane; Installation of Rechargeable Lithium Batteries

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Cirrus Design Corporation Model SF50 airplane. This airplane will have a novel or unusual design feature associated with the installation of a rechargeable lithium battery. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is August 3, 2018.

We must receive your comments by September 17, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0697 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://regulations.gov,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

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

FOR FURTHER INFORMATION CONTACT: James Brady, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, AIR–691, 901 Locust, Room 301, Kansas City, MO; telephone (816) 329–4132; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment are unnecessary because the substance of these special conditions has been subjected to the public comment process in several prior instances with no substantive comments received. It is unlikely that prior public comment would result in a significant change from the substance contained herein. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment.

Special conditions No.	Company/airplane model
23–15–01–SC [1]	Kestrel Aircraft Company/Model K–350.
23–09–02–SC [2]	Cessna Aircraft Company/Model 525C (CJ4).
23–08–05–SC [3]	Spectrum Aeronautical, LLC/Model 40.

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On October 19, 2017, Cirrus Design Corporation (Cirrus) applied for a change to Type Certificate No. A00018CH for installation of rechargeable lithium batteries and

[1] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/39B156C006EB842E86257EF3004BB13C?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

[2] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/902232309C19F0D4862575CB0045AC0D?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

[3] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgSC.nsf/0/28E630294DCC27B986257513005968A3?OpenDocument&Highlight=installation%20of%20rechargeable%20lithium%20battery.*

battery systems in the Model SF50. The SF50 is a normal category single-engine-jet airplane powered by a Williams International Model FJ33–5A turbofan engine capable of carrying eight occupants including one pilot, with a maximum takeoff weight of 6,000 pounds and a maximum operating altitude 28,000 feet.

The current regulatory requirements for part 23 airplanes do not contain adequate requirements for use of rechargeable lithium batteries in airborne applications. This type of battery possesses certain failure and operational characteristics with maintenance requirements that differ significantly from that of the nickel-cadmium (Ni-Cd) and lead-acid rechargeable batteries currently approved in other normal, utility, acrobatic, and commuter category airplanes. Therefore, the FAA is applying this special condition to address—

- All characteristics of the rechargeable lithium batteries and their installation that could affect safe operation of the modified SF50 airplanes; and
- Appropriate Instructions for Continued Airworthiness (ICA) that include maintenance requirements to ensure the availability of electrical power from the batteries when needed.

Type Certification Basis

Under the provisions of § 21.101, Cirrus must show that the SF50 airplane, as changed, continues to meet the applicable provisions of the regulations incorporated by reference in Type Certificate Data Sheet (TCDS) No. A00018CH [4] or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in TCDS No. A00018CH are as follows:

Title 14 Code of Federal Regulations

14 CFR part 23, effective February 1, 1965, as amended by amendments 23–1 through 23–62.

14 CFR part 34, effective September 10, 1990, as amended by amendments 34–1 through 34–5A.

14 CFR part 36, effective December 1, 1969, as amended by amendments 36–1 through 36–28.

Special Conditions

23–261–SC, issued September 4, 2013, Inflatable Three-Point Restraint Safety Belt with an Integrated Airbag Device.

23–267–SC, issued September 14, 2015, Full Authority Digital Engine Control System.

23–272–SC, issued December 2, 2015, Auto Throttle.

23–275–SC, issued July 6, 2016, Whole Airplane Parachute Recovery System.

EQUIVALENT LEVEL OF SAFETY (ELOS) FINDINGS

ELOS No., date and subject	Regulation requiring an ELOS
ACE–14–06, dated April 10, 2014: Electronic Placards	§§ 23.1559, 23.1567.
ACE–15–04, dated October 17, 2016: Landing Gear Warning Horn	§ 23.729(f).
ACE–15–14, dated June 25, 2015: Cockpit Control Knob Shape	§ 23.781(b).
TC6444CH–A–F–2, dated July 12, 2016: Spin Requirements	§ 23.221.
TC06444CH–A–F–5, dated July 15, 2016: Amendment 62 Corrections	§§ 23.45, 23.51, 23.63, 23.67, 23.73, 23.77, 23.161, 23.181, 23.221, 23.251, 23.253, 23.571, 23.785, 23.831, 23.1195, 23.1197, 23.1199, 23.1201, 23.1527, 23.1545, 23.1583.OW≤
TC6444CH–A–S–11, dated June 23, 2016: Storage Battery Design and Installation.	§ 23.1353(h).

Exemptions

Exemption No. 9948, dated October 23, 2009, §§ 23.562(b) and 23.785(a), Installation of seats limited to occupants weighing 90 pounds or less.

Exemption No. 11092, dated October 23, 2014, § 23.177(b), Use of electric roll trim for static lateral stability.

Exemption No. 16970, dated June 23, 2016, § 23.1419(a), 61-knot stall speed with critical ice accretions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the SF50 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the SF50 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

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

Novel or Unusual Design Features

The Cirrus SF50 airplane will incorporate the following novel or unusual design features: The installation of a rechargeable lithium battery as a main or engine start airplane battery.

Discussion

The applicable regulations governing the installation of batteries in general aviation airplanes were derived from Civil Air Regulations (CAR) 3 as part of the recodification that established 14 CFR part 23. The battery requirements identified in § 23.1353 were a rewording of the CAR requirements. Additional rulemaking activities—resulting from increased incidents of Ni-Cd battery fire or failures—incorporated § 23.1353(f) and (g), amendments 23–20 and 23–21, respectively. The FAA did not envision the introduction of lithium battery installations at the time these regulations were published.

The proposed use of rechargeable lithium batteries prompted the FAA to review the adequacy of these existing regulations. We determined the existing regulations do not adequately address the safety of lithium battery installations.

[4] *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgMakeModel.nsf/0/4ec2ccf1759afb61862581860056ef39/$FILE/A00018CH_Rev_3.pdf.*

Current experience with rechargeable lithium batteries in commercial or general aviation is limited. However, other users of this technology—ranging from personal computers, to wireless telephone manufacturers, to the electric vehicle industry—have noted safety problems with rechargeable lithium batteries. These problems, as described in the following paragraphs, include overcharging, over-discharging, flammability of cell components, cell internal defects, and hazards resulting from exposure to extreme temperatures.

1. *Overcharging:* In general, rechargeable lithium batteries are significantly more susceptible than their Ni-Cd or lead-acid counterparts to thermal runway, which is an internal failure that can result in self-sustaining increases in temperature and pressure. This is especially true for overcharging, which causes heating and destabilization of the components of the cell, leading to the formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. Finally, the severity of thermal runaway due to overcharging increases with increasing battery capacity due to the higher amount of electrolyte in large batteries.

2. *Over-discharging:* Discharge of some types of rechargeable lithium battery cells beyond the manufacturer's recommended specification can cause corrosion of the electrodes of the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flight crews as a means of checking battery status—a problem shared with Ni-Cd batteries. In addition, over-discharging has the potential to lead to an unsafe condition (creation of dendrites that could result in internal short circuit during the recharging cycle).

3. *Flammability of Cell Components:* Unlike Ni-Cd and lead-acid batteries, some types of rechargeable lithium batteries use liquid electrolytes that are flammable. The electrolyte can serve as a source of fuel for an external fire, if there is a breach of the battery container.

4. *Cell Internal Defects:* The rechargeable lithium batteries and rechargeable battery systems have a history of undetected cell internal defects. These defects may or may not be detected during normal operational evaluation, test, and validation. This may lead to an unsafe condition during in-service operation.

5. *Extreme Temperatures:* Exposure to an extreme temperature environment has the potential to create major hazards. Care must be taken to ensure that the lithium battery remains within the manufacturer's recommended specification.

Applicability

As discussed above, these special conditions are applicable to the SF50 airplane. Should Cirrus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the FAA would apply these special conditions to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the SF50 airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the subject contained herein. Therefore, notice and opportunity for prior public comment hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and 553(d)(3), for making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704; Pub. L. 113–53, 127 Stat 584 (49 U.S.C. 44704) note; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Cirrus Design Corporation Model SF50 airplane.

1. Installation of Lithium Battery

In lieu of the requirements in § 23.1353 (a), (b), (c), (d), and (e), amendment 23–62, rechargeable lithium battery installations on the Cirrus Model SF50 must be designed and installed as follows:

(1) Maintain safe cell temperatures and pressures during—

i. Normal operations;

ii. Any probable failure conditions of charging or discharging or battery monitoring system;

iii. Any failure of the charging or battery monitoring system shown to not be extremely remote.

(2) Prevent explosion or fire in the event of a failure under (1)(ii) and (1)(iii) above.

(3) Prevent the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

(4) Not emit explosive or toxic gases in hazardous quantities within the airplane either in normal operation or as a result of any failure.

(5) Comply with the requirements of § 23.863(a) through (d) at amendment 23–62.

(6) Escaped corrosive fluids or gases shall not damage surrounding structure or any adjacent systems, equipment, electrical wiring, or the airplane in such a way as to cause a major or more severe failure condition, in accordance with § 23.1309(c) at amendment 23–62—or commensurate § 23.1309 paragraphs of older amendment—and applicable regulatory guidance.

(7) The maximum amount of heat resulting from a short circuit of the battery or internal cell, or any other failure, shall not have any hazardous effect on structure or essential systems.

(8) Rechargeable lithium battery installations must have a system to automatically control the charging rate of the battery to prevent battery overheating and overcharging, and either—

i. A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition; or

ii. A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

(9) Any rechargeable lithium battery installation, the function of which is required for safe operation of the aircraft, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers whenever the state of charge of the batteries has fallen below levels considered acceptable for dispatch of the aircraft.

Note 1 to paragraph (9): Reference § 23.1353(h) for dispatch consideration.

(10) The Instructions for Continued Airworthiness (ICA) required by § 23.1529 must contain maintenance requirements to ensure that the battery has been sufficiently charged at appropriate intervals specified by the battery manufacturer and the equipment manufacturer that contain the rechargeable lithium battery or rechargeable lithium battery system. The lithium rechargeable batteries and lithium rechargeable battery systems must not degrade below specified ampere-hour levels sufficient to power the aircraft system. The ICA must also contain procedures for the maintenance of replacement batteries to prevent the installation of batteries that have degraded charge retention ability or other damage due to prolonged storage at a low state of charge. Replacement batteries must be of the same manufacturer and part number as approved by the FAA.

Note 2 to paragraph (10): Maintenance requirements include procedures that check battery capacity, charge degradation at manufacturers recommended inspection intervals, and replace batteries at manufacturer's recommended replacement schedule/time to prevent age-related degradation.

Note 3 to paragraph (10): The term ''sufficiently charged'' means that the battery must retain enough charge, expressed in ampere-hours, to ensure that the battery cells will not be damaged. A battery cell may be damaged by low charge (*i.e.,* below a certain level), resulting in a reduction in the ability to charge and retain a full charge. This reduction would be greater than the reduction that may result from normal operational degradation.

Note 4 to paragraph (10): Replacement battery in spares storage may be subject to prolonged storage at a low state of charge.

Issued in Kansas City, Missouri, on July 25, 2018.

Pat Mullen,

Manager, Small Airplane Standards Branch, Aircraft Certification Service.

[FR Doc. 2018–16609 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0720; Product Identifier 2017–SW–012–AD; Amendment 39–19348; AD 2018–16–08]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.A. Helicopters (Type Certificate Previously Held By Finmeccanica S.p.A., AgustaWestland S.p.A)

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Leonardo S.p.A. (Leonardo) Model A109E, A109S, and AW109SP helicopters with an oil cooler fan assembly (fan assembly) installed. This AD requires inspecting each oil cooler system pulley assembly (pulley assembly) bearing and replacing each fan assembly. This AD is prompted by reports of degraded pulley assembly bearings. The actions of this AD are intended to correct an unsafe condition on these products.

DATES: This AD becomes effective August 20, 2018.

We must receive comments on this AD by October 2, 2018.

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

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

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–2018–0720; 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 AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for Docket Operations (telephone 800- 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Eric Haight, Aviation Safety Engineer, Regulations and Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222 5110; email *eric.haight@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD No. 2017–0046–E, dated March 10, 2017, to correct an unsafe condition for Leonardo (previously Finmeccanica S.p.A, AgustaWestland S.p.A.) Model A109E, A109LUH, A109S, and

AW109SP helicopters. EASA advises that during inspections of two AW109SP helicopters, degraded bearings, part number (P/N) 109G6320L01–101, were discovered on the engine and transmission oil cooling system pulley assembly, P/N 109G6320A26–101. EASA further states that because of this condition, both fan assemblies could cease to function, resulting in engine power loss, transmission failure, and loss of control of the helicopter. To correct this unsafe condition, the EASA AD requires a one-time inspection of each pulley assembly bearing and replacing each fan assembly.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

We reviewed Leonardo Helicopters Emergency Alert Service Bulletin (EASB) No. 109–EP–153 for Model A109E helicopters, EASB No. 109S–075 for Model A109S helicopters, and EASB No. 109SP–112 for Model AW109SP helicopters, all dated March 8, 2017. This service information contains procedures for inspecting each pulley assembly bearing P/N 109G6320L01–101 for grease shield damage or leaking grease and axial and radial play, and freedom of rotation of the bearing. This service information also provides procedures for replacing each fan assembly P/N 109–0455–01–103 with a fan assembly P/N 109–0455–01–101.

AD Requirements

This AD requires, within 5 hours time-in-service (TIS), inspecting with a borescope each bearing P/N 109G6320L01–101 grease shield for a crack, position of the grease shield, and leaking grease. If there is a crack or leaking grease or if the grease shield is out of position, this AD requires replacing each fan assembly with fan assembly P/N 109–0455–01–101 before further flight.

This AD also requires inspecting each bearing for axial and radial play and freedom of rotation. If there is any axial or radial play, rotation resistance, or binding, this AD requires replacing each fan assembly with fan assembly P/N 109–0455–01–101 before further flight. If there is no play, no rotation resistance, and no binding, this AD requires replacing each fan assembly with fan assembly P/N 109–0455–01–101 within 20 hours TIS.

Finally, this AD prohibits installing fan assembly P/N 109–0455–01–103 on any helicopter.

Differences Between This AD and the EASA AD

The EASA AD applies to Model A109LUH helicopters; this AD does not as this model is a military model and does not have an FAA type certificate.

Costs of Compliance

We estimate that this AD affects 127 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD.

At an average labor rate of $85 per work-hour, inspecting the bearings will require 1 hour, for a cost per helicopter of $85. Replacing both fan assemblies will require 8 hours and $44,800 for parts. Based on these figures, we estimate a total cost of $45,565 per helicopter and $5,786,755 for the U.S. fleet to comply with this AD.

According to the Leonardo service information, 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 by Leonardo. Accordingly, we have included all costs in our cost estimate.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the previously described unsafe condition can adversely affect the controllability of the helicopter and the initial required corrective action must be accomplished within 5 hours TIS. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable.

In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

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.

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, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

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):

2018–16–08 Leonardo S.p.A. (Type Certificate Previously Held By Finmeccanica S.p.A., AgustaWestland S.p.A): Amendment 39–19348; Docket No. FAA–2018–0720; Product Identifier 2017–SW–012–AD.

(a) Applicability

This AD applies to Leonardo S.p.A. (Type Certificate previously held by Finmeccanica S.p.A., AgustaWestland S.p.A) Model A109E, A109S, and AW109SP helicopters with an oil cooler fan assembly (fan assembly) part number (P/N) 109–0455–01–103 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of an oil cooler system pulley assembly (pulley assembly) bearing. This condition could lead to failure of a fan assembly, resulting in engine power loss, transmission failure, and loss of control of the helicopter.

(c) Effective Date

This AD becomes effective August 20, 2018.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 5 hours time-in-service (TIS), remove the fan belt from each pulley assembly and, using a borescope inspect the grease shield of each bearing P/N 109G6320L01–101 for a crack, leaking grease, and position of the grease shield.

(i) If there is a crack, any leaking grease, or if the grease shield is out of position, before further flight, replace each fan assembly P/N 109–0455–01–103 on both sides of the helicopter with a fan assembly P/N 109–0455–01–101.

(ii) If there are no cracks, no leaking grease, and the grease shield is correctly positioned, inspect each bearing P/N 109G6320L01–101 for axial and radial play and freedom of rotation.

(A) If there is any axial or radial play, rotation resistance, or binding, before further flight, replace each fan assembly P/N 109–0455–01–103 on both sides of the helicopter with a fan assembly P/N 109–0455–01–101.

(B) If there is no play, no rotation resistance, and no binding, within 20 hours TIS, replace each fan assembly P/N 109–0455–01–103 on both sides of the helicopter with a fan assembly P/N 109–0455–01–101.

(2) After the effective date of this AD, do not install a fan assembly P/N 109–0455–01–103 on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Eric Haight, Aviation Safety Engineer, Regulations and Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222 5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

(1) Leonardo Helicopters Emergency Alert Service Bulletin (EASB) No. 109EP–153, EASB No. 109S–075, and EASB No 109SP–112, all dated March 8, 2017, and which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2017–0046–E, dated March 10, 2017. You may view the EASA AD on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0720.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6322 Rotorcraft Cooling Fan System.

Issued in Fort Worth, Texas, on July 26, 2018.

Scott A. Horn,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–16496 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9377; Airspace Docket No. 16–AEA–8]

RIN–2120–AA66

Amendment of Class D and Class E Airspace for the Following Pennsylvania Towns; Lancaster, PA; Reading, PA; and Williamsport, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace designated as an extension to Class D airspace by removing the Notice to Airmen (NOTAM) part-time status at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, Williamsport, PA. This action also updates the geographic coordinates of these airports and the Picture Rocks navigation aid listed in the associated Class D and E airspace. This action enhances the safety and airspace management of instrument flight rules (IFR) operations at the airport. Also, this action replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class D and E legal descriptions.

DATES: Effective 0901 UTC, November 8, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace in the respective Class D and Class E airspace areas at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, (formerly Williamsport-Lycoming County Airport), Williamsport, PA, for continued safety and management of IFR operations at these airports.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 16955, April 7, 2017) for Docket No. FAA–2016–9377 to amend Class D and Class E airspace at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, Williamsport, PA.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the proposal.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class E airspace to remove the NOTAM part-time status of the Class E airspace designated as an extension to a Class D surface area at Lancaster Airport, Lancaster, PA; Reading Regional Airport/Carl A. Spaatz Field, Reading, PA; and Williamsport Regional Airport, Williamsport, PA. These changes are necessary for continued safety and management of IFR operations at these airports. The geographic coordinates of these airports, as well as the Picture Rocks non-directional radio beacon (NDB) are amended in the associated Class D and E airspace to coincide with the FAA's aeronautical database. This action also updates the airport name to Williamsport Regional Airport (formerly Williamsport-Lycoming County Airport).

Additionally, an editorial change is made to the Class D and Class E airspace legal descriptions replacing Airport/Facility Directory with the term Chart Supplement.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA PA D Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′21″ N, long. 76°17′40″ W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.1-mile radius of Lancaster Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

AEA PA D Reading, PA [Amended]

Reading Regional Airport/Carl A. Spaatz Field, PA
(Lat. 40°22′43″ N, long. 75°57′55″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field. This Class D airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

AEA PA D Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N, long. 76°55′19″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.2-mile radius of Williamsport Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA PA E2 Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′21″ N, long. 76°17′40″ W)
Lancaster VORTAC
(Lat. 40°07′12″ N, long. 76°17′29″ W)

Within a 4.1-mile radius of Lancaster Airport, and that airspace extending upward from the surface. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

AEA PA E2 Reading, PA [Amended]

Reading Regional Airport/Carl A. Spaatz Field, PA
(Lat. 40°22′43″ N, long. 75°57′55″ W)

That airspace extending from the surface within a 4.8-mile radius of Reading Regional/Carl A. Spaatz Field. This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

AEA PA E2 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N, long. 76°55′19″ W)
Williamsport Regional Airport ILS localizer
(Lat. 41°14′17″ N, long. 76°56′17″ W)

Within a 4.2-mile radius of Williamsport Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA PA E4 Lancaster, PA [Amended]

Lancaster Airport, PA
(Lat. 40°07′21″ N, long. 76°17′40″ W)
Lancaster VORTAC
(Lat. 40°07′12″ N, long. 76°17′29″ W)

That airspace extending upward from the surface within 2.7 miles each side of the Lancaster VORTAC 260° radial extending from the VORTAC to 7.4 miles west of the VORTAC, and within 2.7 miles each side of the Lancaster VORTAC 128° radial extending from the VORTAC to 7.4 miles southeast of the VORTAC, and within 1.8 miles each side of the Lancaster VORTAC 055° radial extending from the VORTAC to 4.4 miles northeast of the VORTAC.

* * * * *

AEA PA E4 Reading, PA [Amended]

Reading Regional Airport/Carl A. Spaatz Field, PA
(Lat. 40°22′43″ N, long. 75°57′55″ W)

That airspace extending upward from the surface within 4 miles either side of the 172° bearing from Reading Regional/Carl A. Spaatz Field extending from the 4.8-mile radius of the airport to 10.1 miles south of the airport.

* * * * *

AEA PA E4 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N, long. 76°55′19″ W)
Williamsport Regional Airport ILS localizer
(Lat. 41°14′17″ N, long. 76°56′17″ W)

That airspace extending upward from the surface from the 4.2-mile radius of Williamsport Regional Airport extending clockwise from a 270° bearing to the 312° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 312° bearing to the 350° bearing from the airport and within an 11.3-mile radius of the airport extending clockwise from the 004° bearing to the 099° bearing from the airport and within 3.5 miles south of the airport east localizer course extending from the 4.2-mile radius of the airport east to the 099° bearing from the airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA PA E5 Reading, PA [Amended]

Reading Regional Airport/Carl A. Spaatz Field, PA
(Lat. 40°22′43″ N, long. 75°57′55″ W)

That airspace extending upward from 700 feet above the surface within a 10.3-mile radius of Reading Regional/Carl A. Spaatz Field.

* * * * *

AEA PA E5 Williamsport, PA [Amended]

Williamsport Regional Airport, PA
(Lat. 41°14′30″ N, long. 76°55′19″ W)
Picture Rocks NDB
(Lat. 41°16′37″ N, long. 76°42′36″ W)
Williamsport Hospital, Point In Space Coordinates
(Lat. 41°14′43″ N, long. 77°00′04″ W)
Williamsport Regional Airport ILS localizer
(Lat. 41°14′17″ N, long. 76°56′17″ W)

That airspace extending upward from 700 feet above the surface within a 17.9-mile radius of Williamsport Regional Airport extending clockwise from the 025° bearing to the 067° bearing from the airport, and within a 12.6-mile radius of Williamsport Regional Airport extending clockwise from the 067° bearing to a 099° bearing from the airport, and within a 6.7-mile radius of Williamsport Regional Airport extending clockwise from the 099° bearing to the 270° bearing from the airport, and within a 17.9-mile radius of Williamsport Regional Airport extending clockwise from the 270° bearing to the 312° bearing from the airport and within a 19.6-mile radius of Williamsport Regional Airport extending clockwise from the 312° bearing to the 350° bearing from the airport and within a 6.7-mile radius of Williamsport Regional Airport extending clockwise from the 350° bearing to the 025° bearing from the airport and within 4.4 miles each side of the Williamsport Regional Airport ILS localizer east course extending from the Picture Rocks NDB to 11.3 miles east of the NDB; and that airspace within a 6-mile radius of the point in space (Lat. 41°14′43″ N, long. 77°00′04″ W) serving Williamsport Hospital.

Issued in College Park, Georgia, on July 26, 2018.

Shawn Reddinger,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–16607 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 738, 740, 743, 758 and 772

[Docket No. 180228229–8229–01]

RIN 0694–AH49

U.S.-India Major Defense Partners: Implementation Under the Export Administration Regulations of India's Membership in the Wassenaar Arrangement and Addition of India to Country Group A:5

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to formally recognize and implement India's membership in the Wassenaar Arrangement (Wassenaar or WA). Further, BIS removes India from Country Group A:6 and places it in Country Group A:5. This action befits India's status as a Major Defense Partner and recognizes the country's membership in three of the four export control regimes: Missile Technology Control Regime (MTCR), WA and Australia Group (AG). This rule is another in the series of rules that implement reforms to which the United States and India mutually agreed to promote global nonproliferation, expand high technology cooperation and trade, and ultimately facilitate India's full membership in the four multilateral export control regimes (Nuclear Suppliers Group, MTCR, WA, and AG). This rule also makes conforming amendments.

DATES: This rule is effective August 3, 2018.

FOR FURTHER INFORMATION CONTACT: Chantal Lakatos, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, by phone: 202–482–1739 or by email: *Chantal.Lakatos@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The United States and India continue their commitment to work together to strengthen the global nonproliferation and export control framework and further transform bilateral export control cooperation to recognize the full potential of the global strategic partnership between the two countries. This commitment has been realized in the two countries' mutually agreed upon

steps to expand cooperation in civil space, defense, and other high-technology sectors and the complementary steps of the United States to remove India defense and space-related entities from the Entity List, realign India in U.S. export control regulations, and support India's membership in the four multilateral export control regimes (Nuclear Suppliers Group, Missile Technology Control Regime, Wassenaar Arrangement and Australia Group).

To date, with the effective support of the United States, India has been admitted to three of the four multilateral export control regimes: Missile Technology Control Regime (MTCR) on June 27, 2016, the Wassenaar Arrangement (Wassenaar or WA) on December 7, 2017 and the Australia Group (AG) on January 19, 2018. These memberships, important to the two countries' global strategic partnership, are enhanced by the United States' recognition of India as a Major Defense Partner in the India-U.S. Joint Statement of June 7, 2016, entitled, ''The United States and India: Enduring Global Partners in the 21st Century.'' This recognition facilitates and supports India's military modernization efforts with the United States as a reliable provider of advanced defense articles.

Therefore, in this rule, the Bureau of Industry and Security (BIS), formally recognizes under the Export Administration Regulations (EAR) India's membership in the WA multilateral export control regimes and revises the EAR accordingly. Further, in this rule, BIS adds India to Country Group A:1 in Supplement No. 1 to Part 740 (Country Groups) of the EAR to implement under the EAR India's status as a member of the WA. In addition, to export control-related benefits for India as a result of prior amendments to the EAR in furtherance of the U.S.-India global strategic partnership, BIS places India in Country Group A:5, which provides the benefit of greater availability of License Exception Strategic Trade Authorization (STA) for exports and reexports to, and transfers within India under the EAR.

Countries listed in Country Group A:5 are countries included in STA § 740.20(c)(1), which authorizes exports, reexports and in-country transfers that are subject to multiple reasons for control. With this rule, India becomes the 37th country to join Country Group A:5.

Specific EAR Amendments Recognizing and Implementing India's Membership in Wassenaar and Adding India to Country Group A:5

Part 738

BIS amends Supplement No. 1 to Part 738, Commerce Country Chart, by removing the license requirements for National Security Column 2 (NS2) reasons. Accordingly, this rule removes the ''X'' in NS Column 2 for India.

Part 740

BIS amends Supplement No. 1 to Part 740 to add, in alphabetical order, India to Country Groups A:1 and A:5.

Conforming Amendments

Part 738

Consistent with India's new multilateral export control regime status, this rule also removes the first sentence of footnote 7 to the Commerce Country Chart in Supplement No. 1 to Part 738, related to India. This amendment removes the requirement that exporters file in the Automated Export System when items controlled for Crime Control Columns 1 and 3 reasons, and Regional Stability Column 2 reasons were destined to India. As a conforming change, this rule removes the word ''Also'' from the second sentence of footnote 7 and capitalizes the ''n'' in ''note'' since it begins the sentence.

Also, as a conforming change in Part 738, BIS amends paragraph (b)(3) of § 738.4, related to a sample analysis using the Commerce Control List and Country Chart to determine when a license is required, to remove the name ''India'' and replace it with the name ''Chad.'' The sample analysis used India as an example of a country with NS Column 2 controls. That reason for control no longer applies to India but currently applies to Chad.

Part 740

In adding India to Country Group A:5, BIS removes India from Country Group A:6 to avoid creating conflicting eligibility criteria for STA provisions.

Part 743

As a member of Wassenaar, India now is subject to reporting requirements for items controlled under Wassenaar, as set forth in Part 743, Special Reporting and Notification. Specifically, India is added, in alphabetical order, to Supplement No. 1 to Part 743, Wassenaar Arrangement Participating States.

Part 758

Also, consistent with India's achievements and status as a Major Defense Partner, BIS removes the requirement that exporters file certain Electronic Export Information in AES as set forth in § 758.1(b)(9). Specifically, this amendment removes the requirement that exporters file in AES when items controlled for CC Columns 1 and 3 reasons and RS Column 2 reasons are destined to India. This reporting requirement had been instituted when the license requirement for such items was removed (see *U.S.-India Bilateral Understanding: Additional Revisions to the U.S. Export and Reexport Controls Under the Export Administration Regulations*; January 23, 2015; 80 FR 3463). BIS has determined that this reporting requirement is no longer necessary.

Part 772

In this rule, BIS also adds India, in alphabetical order, to the list of countries under the term *Australia Group* in § 772.1, Definitions of terms as used in the Export Administration Regulations (EAR). This updates the definition consistent with formal recognition of India's membership in the AG in a BIS final rule, entitled ''Implementation of the February 2017 Australia Group (AG) Intersessional Decisions and June 2017 Plenary Understandings; Addition of India to the AG'' (83 FR 13849, April 2, 2018).

Export Administration Act

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB). This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number. This rule involves collections of information approved under OMB control number 0694–0088-Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application, which carries an annual estimated burden of 31,833 hours; 0694–0137—License Exceptions and Exclusions, which carries an annual estimated burden of 29,998 hours; and 0694–0122—Miscellaneous Licensing Responsibilities and Enforcement which carries an annual estimated burden of 104,288 hours. BIS believes that this rule will have no significant impact on those burdens. In fact, because India has been admitted to the MTCR, Wassenaar and AG multilateral regimes and is a Major Defense Partner, it is listed in favored country groups for purposes of license requirements, license application review policy and availability of license exceptions. Membership in favored country groups generally reduces the number of licenses required and increases the number of license exceptions available. Therefore, BIS believes that this rule will reduce the paperwork burden to the public.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget, by email at *jseehra@omb.eop.gov* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). This rule implements decisions of multilateral export control regimes, of which the United States is a supporting member, and the rule furthers the objectives of the strategic commitment established between the United States and India. Delay in implementing this rule to obtain public comment would undermine the foreign policy objectives that the rule is intended to implement. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553, or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 738 and 772

Exports.

15 CFR Parts 740, 743 and 758

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 15 CFR Chapter VII, Subchapter C is amended as follows:

PART 738—COMMERCE CONTROL LIST OVERVIEW AND THE COUNTRY CHART

■ 1. The authority citation for part 738 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824a; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 2. Section 738.4 is amended by revising paragraph (b)(3) to read as follows:

§ 738.4 Determining whether a license is required.

* * * * *

(b) * * *

(3) *Sample analysis.* After consulting the CCL, I determine my item, valued at $10,000, is classified under ECCN 2A000.a. I read that the entire entry is controlled for national security, and anti-terrorism reasons. Because my item is classified under paragraph .a, and not .b, I understand that though nuclear nonproliferation controls apply to a portion of the entry, they do not apply to my item. I note that the appropriate Country Chart column identifiers are NS Column 2 and AT Column 1. Turning to the Country Chart, I locate my specific destination, Chad, and see that an ''X'' appears in the NS Column 2 cell for Chad, but not in the AT Column 1 cell. I understand that a license is required, unless my transaction qualifies for a License Exception. From the License Exception LVS value listed in the entry, I know immediately that my proposed transaction exceeds the value limitation associated with LVS. Noting that License Exception GBS is ''Yes'' for this entry, I turn to part 740 of the EAR to review the provisions related to use of GBS.

■ 3. In Supplement No. 1 to Part 738 revise the entry for India to read as follows:

SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART

[Reason for control]

Countries	Chemical and biological weapons			Nuclear nonproliferation		National security		Missile tech	Regional stability		Firearms convention	Crime control			Anti-terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
* * *																
India[7]	X	.....	.....	X	.....	X	.....	X	X	.....	.....	.....	.....	.....	.....	.....
* * *																

* * * * *

[7] Note that a license is still required for items controlled under ECCNs 6A003.b.4.b and 9A515.e for RS column 2 reasons when destined to India.

* * * * *

PART 740—LICENSE EXCEPTIONS

■ 4. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 5. In Supplement No. 1 to part 740, in Country Group A, revise the entry for ''India'' to read as follows:

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS

COUNTRY GROUP A

Country	[A:1] Wassenaar participating states[1]	[A:2] Missile technology control regime	[A:3] Australia group	[A:4] Nuclear suppliers group[2]	[A:5]	[A:6]
* * *						
India	X	X	X	.....	X	.....
* * *						

[1] Country Group A:1 is a list of the Wassenaar Arrangement Participating States, except for Malta, Russia and Ukraine.
[2] Country Group A:4 is a list of the Nuclear Suppliers Group countries, except for the People's Republic of China (PRC).

* * * * *

PART 743—SPECIAL REPORTING AND NOTIFICATION

■ 6. The authority citation for part 743 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; 78 FR 16129; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

Supplement No. 1 to Part 743 [Amended]

■ 7. Supplement No. 1 to part 743—Wassenaar Arrangement Participating States is amended by adding ''India'' in alphabetical order after ''Hungary''.

PART 758—EXPORT CLEARANCE REQUIREMENTS

■ 8. The authority citation for part 758 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

§ 758.1 [Amended]

■ 9. Section 758.1 is amended by removing paragraph (b)(9).

PART 772—DEFINITIONS OF TERMS

■ 10. The authority citation for part 772 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

§ 772.1 [Amended]

■ 11. Amend the definition of *Australia Group* in § 772.1 by adding ''India'', in alphabetical order, after ''Iceland,''.

Dated: July 31, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–16691 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 740

[Docket No. 180228230–8230–01]

RIN 0694–AH52

Revision of Export and Reexport License Requirements for Republic of South Sudan Under the Export Administration Regulations

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to conform to the Department of State's (State) amendment of February 14, 2018 to the International Traffic in Arms Regulations (ITAR) that placed restrictions on exports of defense articles (and defense services) to the Republic of South Sudan (South Sudan). The State action reflected a policy determination by the Secretary of State

that it was in the best interests of U.S. foreign policy to impose such restrictions.

Consistent with the State action, in this amendment, BIS is updating the EAR to restrict the export and reexport of certain items on the Commerce Control List to South Sudan. Pursuant to established procedure, BIS adds South Sudan to the list of U.S. embargoed countries under the EAR, a list drawn from the list of arms embargoes in the ITAR and State **Federal Register** notices, and adopts a restrictive license application review policy consistent with State's review policy set forth in the ITAR.

DATES: This rule is effective August 3, 2018.

FOR FURTHER INFORMATION CONTACT: Steven Schrader, Foreign Policy Division, Bureau of Industry and Security, Phone: 202–482–4252, Email: *Foreign.Policy@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

In a rule effective July 9, 2011, the date the United States granted formal recognition to South Sudan, BIS amended the EAR to add the new country to the Commerce Country Chart set forth in Supplement No. 1 to part 740 and imposed controls on exports and reexports of items subject to the EAR to the destination. See 76 FR 41046 (July 13, 2011). In that rule, BIS added South Sudan to Country Group B in Supplement No. 1 to Part 740 (Country Groups), a grouping that rendered the country eligible for certain License Exceptions not available to countries in Country Groups D or E.

In this rule, BIS amends Supplement No.1 to Part 740 (Country Groups) of the EAR to place South Sudan in Country Group D:5—U.S. Embargoed Countries—to conform with a final rule published by State that revised ITAR § 126.1 (Prohibited exports, imports, and sales to or from certain countries) by adding South Sudan in new paragraph (w). See 83 FR 6457 (February 14, 2018). The ITAR amendment reflected a determination by the Secretary of State that it was in the best interests of U.S. foreign policy to impose such restrictions in order to reflect the U.S. government's opposition to the trade of arms to South Sudan and its contribution to the conflict and humanitarian crisis in that country, promote the cessation of hostilities, and to reinforce a unified international response by aligning the United States with existing European Union restrictions on certain exports to South Sudan. As a consequence of the ITAR amendment, a policy of denial applies to applications for licenses or other approvals for the export of defense articles and defense services destined for South Sudan. A license or other approval may be issued on a case-by-case basis for six enumerated categories of defense articles and defense services, as set forth in ITAR § 126.1(w) (South Sudan).

BIS primarily implements such controls through Country Group D:5. Countries listed in Country Group D:5 are subject to additional restrictions in the EAR, including on *de minimis* U.S. content, license exception availability, and licensing policy for certain items. License applications for the export or reexport of items classified under 9x515 or ''600 series'' Export Control Classification Numbers to countries in Country Group D:5 are reviewed consistent with the policies in § 126.1 of the ITAR, as provided in paragraph (b)(1)(ii) of § 742.4 (National security) and paragraph (b)(1) of § 742.6 (Regional stability) of the EAR.

The list of ''United States arms embargoed'' countries is intended to mirror ITAR § 126.1's list of countries subject to U.S. arms embargoes and track **Federal Register** notices published by State. BIS amends the list of Country Group D:5 countries as needed to conform to amendments to ITAR § 126.1 that State publishes, including additions or deletions of countries subject to United States arms embargoes. See footnote one to Country Group D:5. In implementing United States embargoes in the EAR, BIS is adopting the policies for each country listed in section 126.1 of the ITAR. See 78 FR 22660, 22675 (April 16, 2013).

Consistent with new § 126.1(w) (South Sudan) of the ITAR, the BIS licensing policy for the export and reexport of 9x515 and ''600 series'' items on the Commerce Control List, Supp. No. 1 to part 774, destined for South Sudan is a policy of denial that recognizes six categories of case-by-case approval. See ITAR § 126.1(w)(1)–(6), which describes these categories in detail.

Specific Amendment Implementing Revisions To Export and Reexport License Requirements for South Sudan Under the EAR

Part 740 of the EAR

BIS amends Supplement No. 1 to Part 740 of the EAR to place ''South Sudan, The Republic of'', in alphabetical order, in Country Group D:5.

Export Administration Act of 1979

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated to be not a significant regulatory action, for purposes of Executive Order 12866. This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number. This rule involves collections of information approved under OMB control number 0694–0088—Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application, which carries an annual estimated burden of 31,833 hours; and 0694–0137—License Exceptions and Exclusions, which carries an annual estimated burden of 29,998. BIS believes that this rule will have no significant impact on those burdens.

Send comments regarding this burden estimate or any other aspect of this

collection of information, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget, by email at *jseehra@omb.eop.gov* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). This rule implements a necessary update of the status of South Sudan as a U.S. embargoed country, consistent with the prohibitions implemented in the ITAR by the Department of State. This rule also serves to prevent confusion by the public as to the current EAR export and reexport license requirements applicable to South Sudan. A delay in the effective date would frustrate the achievement of this goal. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553, or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 740 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 2. Amend Supplement No. 1 to Part 740 by adding, in alphabetical order, an entry for ''South Sudan, Republic of'' under ''Country Group D'' to read as follows:

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS

* * * * *

Country Group D

Country	[D: 1] National Security	[D: 2] Nuclear	[D: 3] Chemical & Biological	[D: 4] Missile Technology	[D: 5] U.S. Arms Embargoed Countries1
	* *	* *	* *	*	
South Sudan, Republic of					X
	* *	* *	* *	*	

[1]Note to Country Group D:5: Countries subject to U.S. arms embargoes are identified by the State Department through notices published in the **Federal Register**. The list of arms embargoed destinations in this paragraph is drawn from 22 CFR §126.1 and State Department Federal Register notices related to arms embargoes (compiled at *http://www.pmddtc.state.gov/embargoed_countries/index.html*) and will be amended when the State Department publishes subsequent notices. If there are any discrepancies between the list of countries in this paragraph and the countries identified by the State Department as subject to a U.S. arms embargo (in the **Federal Register**), the State Department's list of countries subject to U.S. arms embargoes shall be controlling.

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Dated: July 26, 2018.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2018–16612 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9838]

RIN 1545–BM49

Extension of Time To File Certain Information Returns

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations providing rules regarding the automatic and non-automatic extension of time to file certain information returns. These changes are being implemented to accelerate the filing of the Form W–2 series (except Form W–2G) and forms that report nonemployee compensation (currently Form 1099–MISC with information in box 7) so they are available earlier in the filing season for use in the IRS's identity

theft and refund fraud detection processes. In addition, these final regulations update the list of information returns subject to the rules regarding extensions of time to file. These regulations affect filers requesting an extension of time to file the affected information returns.

DATES: *Effective date:* These regulations are effective on August 3, 2018.

Applicability date: For dates of applicability, see § 1.6081–8(g).

FOR FURTHER INFORMATION CONTACT: Jonathan R. Black, (202) 317–6845 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to 26 CFR part 1 under section 6081 of the Internal Revenue Code (Code) regarding the extension of time to file certain information returns. On August 13, 2015, the IRS published in the **Federal Register** temporary regulations (TD 9730 (80 FR 48433)) under § 1.6081–8T removing the automatic 30-day extension of time to file the Form W–2 series (except Form W–2G, ''Certain Gambling Winnings'') and providing a single non-automatic 30-day extension of time to file these forms. The temporary regulations also updated the list of information returns eligible for an extension of time to file. The temporary regulations were applicable for requests for extension of time to file information returns due after December 31, 2016. The temporary regulations were set to expire August 10, 2018, but they are removed by this Treasury Decision.

A notice of proposed rulemaking (REG–132075–14 (80 FR 48472)) cross-referencing the temporary regulations was published in the **Federal Register** the same day the temporary regulations were published. The notice of proposed rulemaking contains proposed regulations that would remove the automatic 30-day extension of time to file all information returns subject to the rules formerly under § 1.6081–8 and provide a single non-automatic 30-day extension of time to file those information returns. The IRS received comments on the notice of proposed rulemaking, but no public hearing was requested or held. After consideration of the comments, this Treasury Decision adopts the proposed regulations only with respect to the removal of the automatic extension of time to file the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation (currently Form 1099–MISC, ''Miscellaneous Income,'' with information in box 7). The automatic extension of time to file is retained for Form W–2G, Form 1042–S, ''Foreign Person's U.S. Source Income Subject to Withholding,'' Form 1094–C, ''Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns,'' Form 1095–B, ''Health Coverage,'' Form 1095–C, ''Employer-Provided Health Insurance Offer and Coverage,'' Form 3921, ''Exercise of an Incentive Stock Option Under Section 422(b),'' Form 3922, ''Transfer of Stock Acquired Through an Employee Stock Purchase Plan Under Section 423(c),'' and Form 8027, ''Employer's Annual Information Return of Tip Income and Allocated Tips,'' the Form 1097 series, Form 1098 series, Form 1099 series (except forms reporting nonemployee compensation), and Form 5498 series.

I. Extension of Time To File Information Returns

Section 6081(a) generally provides that the Secretary may grant a reasonable extension of time, not to exceed 6 months, for filing any return, declaration, statement, or other document required by Title 26 or by regulation. The regulations under section 6081 generally provide rules for extensions of time to file returns. The regulations under § 1.6081–8 provide specific rules for extensions of time to file certain information returns.

For requests for extension of time to file information returns due before January 1, 2017, § 1.6081–8 provided that a person required to file certain information returns (the filer), or the person transmitting the return for the filer (the transmitter), could request an automatic 30-day extension of time to file those information returns by filing a Form 8809, ''Application for Extension of Time to File Information Returns'' on or before the due date of the information return. A filer or transmitter was not required to sign the Form 8809 or provide an explanation to request the automatic 30-day extension.

Prior to expiration of the automatic 30-day extension period, a filer or transmitter that obtained an automatic 30-day extension of time to file could request an additional non-automatic 30-day extension of time to file. Under § 1.6081–8, the IRS had the discretion to grant this request if the IRS determined that a further extension was warranted. Unlike a request to obtain an automatic extension, a request for a non-automatic extension was required to be signed by the filer or transmitter under penalties of perjury and include an explanation of why an additional extension of time to file was needed. No further extensions of time to file were permitted under § 1.6081–8.

II. Temporary and Proposed Regulations

Identity theft and refund fraud are persistent and evolving threats to the nation's tax system. They place an enormous burden on the tax system and taxpayers. Identity thieves and unscrupulous preparers often claim refunds by electronically filing fraudulent tax returns early in the tax filing season. The IRS uses third-party information returns to increase voluntary compliance, verify accuracy of tax returns, improve collection of taxes, and combat fraud, including refund fraud committed by those using the stolen identities of legitimate taxpayers. Accelerating the receipt of third-party information returns is one way to better enable the IRS to identify and stop fraudulent refund claims before they are paid.

On August 13, 2015, temporary and proposed regulations under section 6081 were published in the **Federal Register** to improve the IRS's ability to use third-party information returns to combat identity theft and refund fraud. The temporary regulation under § 1.6081–8T, which replaced the regulation under § 1.6081–8 for requests for extension of time to file certain information returns due after December 31, 2016, removed information returns in the Form W–2 series (except Form W–2G) from the list of information returns eligible for the automatic 30-day extension of time to file and instead provided a single non-automatic 30-day extension of time to file those information returns.

Section 1.6081–8T(a) retained the rules under § 1.6081–8 for obtaining an automatic 30-day extension of time to file Form W–2G, Form 1042–S, Form 1095–B, Form 1095–C, Form 8027, the Form 1097 series, Form 1098 series, Form 1099 series, and Form 5498 series. It also retained the additional non-automatic 30-day extension of time to file these information returns.

In addition, the temporary regulations updated the list of information returns that are eligible for automatic and non-automatic extensions of time to file by adding Form 1094–C, Form 3921, and Form 3922 to the list in § 1.6081–8T(a). As explained in the preamble to the temporary regulations, the addition of these forms merely updated the list to reflect current practice at the time the temporary regulations were published.

The proposed regulations were broader than the temporary regulations. The notice of proposed rulemaking proposed to remove the automatic

extension of time to file Forms 1042–S, 1094–C, 1095–B, 1095–C, 3921, 3922, and 8027; to remove the automatic extension of time to file the Form W–2 series (including Form W–2G), Form 1097 series, Form 1098 series, Form 1099 series, and Form 5498 series; and to allow only a single non-automatic 30-day extension of time to file all of these information returns. The proposed non-automatic extension would have been available on the same terms as the non-automatic extension for the Form W–2 series in the temporary regulations. The preamble to the proposed regulations provided that removal of the automatic extension would not apply to information returns (other than the Form W–2 series except Form W–2G) due any earlier than January 1, 2018. See 80 FR 48472.

III. Statutory Changes to Due Dates and Penalties

Section 201 of the Protecting Americans from Tax Hikes Act of 2015 (PATH Act), Public Law 114–113, Div. Q (129 Stat. 3040, 3076), enacted on December 18, 2015, amended section 6071 of the Code to change the due date for filing Form W–2, ''Wage and Tax Statement,'' and any returns or statements required by the Secretary to report nonemployee compensation. Nonemployee compensation is currently reportable in box 7 of Form 1099–MISC. The amendments are effective for information returns for calendar years beginning after 2015.

Prior to enactment of the PATH Act, the Form W–2 was required to be filed by the last day of February (February 28 if amounts were not subject to the Federal Insurance Contribution Act), or March 31 if filed electronically. See § 1.6041–2(a)(3)(ii) and § 31.6071(a)-1(a)(3)(i) (as in effect until July 20, 2017). Also prior to the enactment of the PATH Act, the form reporting nonemployee compensation, Form 1099–MISC, was required to be filed by February 28, or March 31 if filed electronically. See § 1.6041–6 (as in effect until July 20, 2017).

As amended by the PATH Act, section 6071 provides that the due date for filing the Form W–2 and any returns or statements required by the Secretary to report nonemployee compensation is January 31 of the calendar year following the calendar year for which the information is being reported, regardless of whether these information returns are filed on paper or electronically. Section 31.6071(a)-1T(a)(3) provides this due date for the entire Form W–2 series (except Form W–2G). The due date for filing Form 1099–MISC that does not report nonemployee compensation was unchanged by the PATH Act amendment to section 6071, and it remains February 28, or March 31 if filed electronically.

Section 201 of the PATH Act also amended section 6402 to provide that no credit or refund of an overpayment may be made to a taxpayer before the fifteenth day of the second month following the close of the taxable year (February 15 for calendar year taxpayers) if the Additional Child Tax Credit (ACTC) under section 24(d) or the Earned Income Credit (EIC) under section 32 is allowed for such taxable year.

In addition, section 202 of the PATH Act amended sections 6721 and 6722 of the Code to generally provide a $100 de minimis error threshold ($25 for withholding) under which the penalties for failure to file and failure to furnish accurate information returns and payee statements do not apply. Payees, however, can still elect to receive accurate payee statements, in which case the de minimis threshold does not apply to the penalties for failure to file and furnish. See section 6722(c)(3)(B).

Summary of Comments

There were eleven written comments submitted in response to the notice of proposed rulemaking. They are available at *http://www.regulations.gov* or upon request.

I. Comments Recommending Alternatives To Removing the Automatic Extension of Time To File Information Returns

Comments stated that the automatic extension of time to file should not be removed for any information returns and instead alternative or complementary steps to reduce fraud should be taken. Those suggested steps include: (1) Delay the start of the filing season or issue refunds only after the Social Security Administration (SSA) has transferred all Form W–2 information to the IRS; (2) require electronic filing of all information returns at issue; (3) reduce the threshold requirement for filing information returns electronically from 250 returns to five returns; and (4) issue an identity protection personal identification number (IP PIN) to each known taxpayer.

Some of these steps have already been taken. For instance, the PATH Act amended section 6402 so that refunds cannot be issued before February 15 if the EIC or the ACTC is allowed for the taxable year. This amendment has the effect of allowing the IRS to receive more Form W–2 information with respect to these returns before issuing refunds. Other steps, such as requiring electronic filing of all information returns or reducing the electronic filing threshold, require legislation to implement.

Comments suggesting that the IRS delay the start of the filing season (without regard to the February 15 date if the EIC or the ACTC is allowed) or issue refunds only after receiving Form W–2 information from the SSA were not adopted. Taxpayers who rely on their tax refunds to pay bills for necessary expenses might be unduly burdened by such a delay. Additionally, when Congress amended section 6402 to prevent the IRS from issuing some refunds before February 15, it did not use a later date or delay refunds to all taxpayers, thus indicating a sensitivity to the negative effect that further delaying taxpayer refunds could have on certain taxpayers.

Regarding the comment that issuing an IP PIN to each known taxpayer would reduce fraud and identity theft and eliminate the need to accelerate receipt of certain information returns, the Treasury Department and the IRS disagree. While the IP PIN has been an effective tool for protecting taxpayers from subsequent refund fraud, it is not a holistic or sustainable solution that can be applied to the more than 150 million returns that are filed annually each year. See TIGTA report 2017–40–026, ''Inconsistent Processes and Procedures Result in Many Victims of Identity Theft Not Receiving Identity Protection Personal Identification Numbers,'' 20–22. Additionally, even if the IRS implemented such a proposal, the IRS's efforts to reduce fraud and identity theft would be further enhanced by also accelerating receipt of information returns, such as Form W–2 and forms reporting nonemployee compensation. Accordingly, this suggestion has not been adopted.

Comments also suggested that the IRS extend the filing deadline for individual income tax returns to May 15, rather than limiting the availability of an automatic extension of time to file information returns. Taxpayers may already request an automatic six-month extension of time to file individual income tax returns under § 1.6081–4, effectively extending the filing deadline (but not the deadline by which to pay) as suggested by the comment. However, even if the IRS extended the filing deadline to May 15 for all individual taxpayers, that would do little to prevent fraud because fraudulent filers typically file early in the filing season so that their fraudulent returns are processed before legitimate taxpayers

file their tax returns and before the IRS receives information returns.

II. Comments Recommending Retention of the Automatic Extension of Time To File Information Returns With Low Risk of Fraud

Comments suggested that the regulations retain the automatic extension of time to file forms other than Form W–2 and forms reporting nonemployee compensation, because the other forms, specifically Form 1099–INT, Form 1099–DIV, Form 1042–S, and the Form 1095 series, are not major sources of withholding or backup withholding information and are not relevant to preventing fraud. The comments cited GAO Report GAO–14–633, ''Identity Theft, Additional Actions Could Help IRS Combat the Large, Evolving Threat of Refund Fraud,'' for the assertion that information return documents other than Form W–2 do not have a nexus to fraud. The comments also stated that Form 1042–S is not as susceptible to fraud because Form 1040–NR, ''U.S. Nonresident Alien Income Tax Return,'' and Form 1120–F, ''U.S. Income Tax Return of a Foreign Corporation,'' are already subject to an extensive review by the IRS.

In contrast, one comment stated that the burden on filers of removing the automatic extension of time to file was a worthwhile tradeoff, given the financial burdens on taxpayers whose refunds are stolen. This comment suggested that filers should be able to verify many of their records prior to the end of the tax year, and that it was their responsibility to maintain accurate records.

The Treasury Department and the IRS agree that accelerating the filing date for information returns reporting compensation will contribute more to the reduction of refund fraud than accelerating the filing date of other information returns would. This is because refund fraud is most prevalent on individual income tax returns reporting wages or self-employment income. Consistent with this, Congress enacted section 201 of the PATH Act as part of its program integrity measures included in the Consolidated Appropriations Act of 2016 to accelerate the date by which Form W–2 and statements reporting nonemployee compensation, but not other information returns, must be filed. In addition, § 31.6071(a)-1T(a)(3) provides that the due date implemented by the PATH Act for Form W–2 applies to the entire Form W–2 series (except Form W–2G). Therefore, the comment is adopted, and the final regulations only remove the automatic extension of time to file the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation (currently Form 1099–MISC with information in box 7). The IRS continues to study the appropriateness of the automatic extension for other information returns.

III. Comments Regarding Increased Errors as a Result of Removal of the Automatic Extension of Time To File

Comments stated that removing the automatic extension of time to file would compress the time between the date the payee statements are sent and the information returns are required to be filed with the IRS. This is particularly true in the case of Form 1099–B, ''Proceeds from Broker and Barter Exchange Transactions,'' and Form 1099–MISC with information in boxes 8 or 14 only (relating to substitute dividends and tax-exempt interest payments reportable by brokers and gross proceeds paid to attorneys), because the due date to furnish statements to payees for those forms is February 15. Without the automatic extension, there is less time before the filing due date for recipients of the payee statements to discover errors and communicate them to the filer, resulting in more errors on filed information returns and the need to file more corrected information returns.

Comments also stated that this compression is made more acute because the system for filing information returns electronically (FIRE) requires files be in a format different from the format many filers use to prepare the payee statements. Without the automatic extension of time to file there will be less time to accommodate these differences, which could lead to an increase in errors and the need to file corrected information returns.

The comments also stated that filers' necessary year-end audit practices with respect to information that is ultimately reported on information returns are time-consuming, and the automatic extension of time to file increases the accuracy of filed returns. Finally, the comments stated that removing the automatic extension further compresses the filing season, burdening accounting professionals who already work 60 to 80 hours per week in the months leading up to the filing deadlines.

One comment supported the proposed regulations generally, but opposed the removal of the automatic extension of time to file the Form 1099 series. The comment stated that the pressure to meet a rigid deadline would lead to more errors for small businesses without full-time bookkeepers and would have a financial impact on those businesses. Small startups would be disproportionately affected because they are more likely to use independent contractors, for which they have to file information returns in the Form 1099 series. The comment requested that the IRS conduct a regulatory flexibility analysis and make it available for public comment if these final regulations remove the automatic extension of time to file the Form 1099 series.

The comments supporting retention of the automatic extension of time to file most information returns are adopted in the final regulations. However, as discussed above in section II of this Summary of Comments, acceleration of the IRS's receipt of information relating to compensation is an important tool to reduce fraud and noncompliance. Further, the removal of the automatic extension of time to file the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation is consistent with section 201 of the PATH Act and its supporting regulations under § 31.6071(a)–1T(a)(3), which together accelerated the filing deadline for both the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation. Accordingly, the final regulations remove the automatic extension of time to file the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation.

With regard to the request for a regulatory flexibility analysis in the case of the removal of the automatic extension of time to file the Form 1099 series, the only affected forms are forms reporting nonemployee compensation. As certified in the Special Analyses section of this Treasury Decision, the Treasury Department and the IRS have concluded that these regulations will not have a significant economic impact on a substantial number of small entities. As a result of this certification, a regulatory flexibility analysis is not required.

With regard to Form 1094–C and the Form 1095 series, the comments stated that preserving the automatic extension of time to file would allow health insurers to maintain their current processes. The Treasury Department and the IRS agree with these comments and, therefore, the final regulations retain the automatic extension of time to file Form 1094–C, Form 1095–B, and Form 1095–C.

IV. Comments About Forms W–2 and Reliance on Information or Actions by Third Parties

Comments stated various reasons why the automatic 30-day extension of time

to file Form W–2 should be retained. Comments stated that to prepare Form W–2, filers rely on third-party payment information from states on sickness and disability payments that is not due to the filers until January 15, and filers have no control over the timeliness and accuracy of this third-party information. The comments also stated that Form W–2 filers rely on third-party information that they receive after the end of the tax year for nonqualified moving expenses, prizes and awards, the value of company housing and travel, and non-cash fringe benefits.

As discussed under section II and reiterated under section III of this Summary of Comments, removal of the automatic extension of time to file the Form W–2 series (except Form W–2G) will contribute to the reduction of refund fraud and is consistent with section 201 of the PATH Act and its supporting regulations. The Treasury Department and the IRS understand that there may be some situations that will necessitate filers to seek a non-automatic extension of time to file; for instance, when a filer does not timely receive the statement of sick pay required under § 31.6051–3(a)(1). Removal of the automatic extension, however, will increase the number of Forms W–2 received by the IRS early enough in the filing season for the IRS to verify information and reduce payment of fraudulent refunds.

V. Comments on Form 1042–S, Reclassification of Distributions, and Additional Burdens

Comments stated that corrections are sometimes necessary after the statutory deadlines to file certain returns, such as Form 1042–S, because of reclassifications of distributions. Information regarding these reclassifications is not available until sometime between mid-January and the end of February. If Forms 1042–S must be filed without the benefit of an automatic extension of time to file, then it is more likely that they will have to be amended later based on the reclassification information. Comments added that software vendors typically release their software in late February for Form 1042–S, and that there is not enough time to format information and test the software prior to the March 15 statutory due date. Comments also mentioned that filers regularly seek extensions of time to furnish recipient statements for Form 1042–S in addition to extensions of time to file, and the comments advised that the IRS should expect an increase in the filing of both amended information returns and amended income tax returns as a result of the unavailability of the automatic extension, particularly for Form 1042–S. Comments further added that updates to the Form 1099 series resulting from the Foreign Account Tax Compliance Act, Public Law 111–147, Title V, Subtitle A (124 Stat. 71, 97), and sections 6050W and 6045B require year-end system upgrades and testing, which must be performed by the same people who otherwise implement the year-end compliance processes and therefore increase, rather than decrease, the time needed to file. Finally, the comments mentioned that information that flows from partnership returns or upstream withholding agents is not available until March 15.

As discussed previously under section II of this Summary of Comments, these final regulations do not remove the automatic extension of time to file information returns other than the Form W–2 series (except Form W–2G) and forms reporting nonemployee compensation. Therefore, the comment that Form 1042–S should remain eligible for the automatic extension of time to file has been adopted. However, the IRS continues to study the appropriateness of the automatic extension of time to file Form 1042–S.

VI. Comments on Penalties

One comment suggested that, given filers' potential inability to comply with the statutory filing dates, filers should have reassurances that the IRS will grant the non-automatic extension of time to file so that they do not face penalties. The comment therefore requested that specific criteria for granting the non-automatic extension should be published in the final regulation. The comment also stated that the proposed requirement to show extraordinary circumstances or catastrophe is too strict a standard to impose on the extension process. The comment further stated that penalties would be unreasonable where a request for an extension of time to file was not granted, and the process of seeking relief if penalties were imposed in these situations would be arduous. In addition, the comment stated that despite the new $100 de minimis error threshold exception for penalties, there would still be a substantial number of errors that would exceed the de minimis threshold and require correction. Also, comments noted that the increase in errors in information returns filed with the IRS as a result of not obtaining an extension of time to file might lead to more penalty notices, which would increase the burden on filers seeking relief under reasonable cause. This increase in penalty notices would also increase the burden on the IRS, which would have to handle many more requests for abatements or waivers of the penalty.

The Treasury Department and the IRS considered these comments and agree that it is appropriate to set forth the specific criteria under which the IRS will grant the non-automatic extension of time to file. Since publication of the temporary and proposed regulations in 2015, Form 8809 has been revised to provide specificity around the criteria for when a non-automatic extension will be granted. When Form 8809 allowed the filer or transmitter to provide a narrative explanation of the need for an extension, it was difficult to review the explanations in a timely manner because of the length of some of the explanations and the various ways that filers or transmitters would describe the reason for the extension request. To eliminate this issue, the form has been revised to provide checkboxes for the filer or transmitter to indicate the reason for the extension request.

The IRS intends to update Form 8809 in time for the 2019 filing season to provide that a non-automatic extension of time to file will be granted if and only if (1) the business suffered a catastrophic event in a Federally Declared Disaster Area that made the business unable to resume operations or made necessary records unavailable; (2) fire, casualty or natural disaster affected the operation of the business; (3) death, serious illness, or unavoidable absence of the individual responsible for filing the information returns affected the operation of the business; (4) the information return is being filed for the first year the business was established; or (5) the filer did not receive timely data on a third-party payee statement. This third-party payee statement might be a Schedule K–1, ''Partner's Share of Current Year Income, Deductions, Credits and Other Items,'' Form 1042–S, or the statement of sick pay required under § 31.6051–3(a)(1). Additionally, the extension will be granted even if the filer receives the third-party payee statement by the statutory furnishing deadline, provided that the filer did not receive the statement in time to prepare an accurate information return.

These five criteria will all be set forth in checkboxes on Form 8809. The first four of these criteria are already present on the form, with non-substantive differences in phrasing, and were derived from the reasons for which the IRS would grant a non-automatic extension of time to file during recent years when a narrative explanation was permitted. The fifth criteria will be

added to Form 8809 in response to comments about reliance on third-party information. The Treasury Department and the IRS request comments on these criteria and welcome comments suggesting additional criteria that should be added to Form 8809 as reasons to grant the non-automatic extension. Interested parties can address the existing criteria and suggest new criteria by submitting comments on Form 8809 at *http://www.irs.gov/FormsComments.*

Also, with regard to the comments about the potential increase in errors and penalty notices, penalty abatement may be available for filers who fail to file timely but do not receive an extension of time to file. Although requests for abatement may increase under the new rules, the IRS is prepared to consider those additional requests. The Treasury Department and the IRS request comments regarding how the IRS may reduce the burden on filers who request abatement.

Special Analyses

These regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Treasury Department and the Office of Management and Budget regarding review of tax regulations.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. Although the regulations may potentially affect a substantial number of small entities, the economic impact on these entities is not expected to be significant. If at least one of the criteria for granting an extension applies, a business may obtain a 30-day extension of time to file by properly completing Form 8809, so many businesses will still obtain an extension of time to file. Prior versions of § 1.6081–8 also required businesses to file Form 8809 to obtain an extension, so no additional economic impact is associated with the requirement to file this form. For businesses that do not qualify for the extension, the regulations do not impose new information reporting requirements, but they do affect whether the filing due date may be extended. Although there may be some additional costs associated with ensuring that information returns filed by their statutory due date, as opposed to the extended due date, are accurate, those costs will not impose a significant economic impact on a substantial number of small entities.

In addition, statutory changes have minimized the benefit of the automatic extension of time to file. Prior to these changes, most filers had a due date (without regard to extensions) of March 31 for the information returns currently subject to the rule eliminating the automatic extension of time to file—the Form W–2 series (except Form W–2G) and Form 1099–MISC reporting nonemployee compensation. With the automatic extension, these filers generally had until April 30 to file these information returns. The PATH Act and the accompanying regulations accelerated the due date for the Form W–2 series (except Form W–2G) and Form 1099–MISC reporting nonemployee compensation from March 31 to January 31. Therefore, even if the automatic extension was still available, the Form W–2 series (except Form W–2G) and Form 1099–MISC reporting nonemployee compensation would be due much earlier than under prior law, so the statutory change under the PATH Act is the primary cause of any additional cost associated with having to file these forms earlier in the filing season. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received from the Small Business Administration.

Drafting Information

The principal author of these regulations is Jonathan R. Black of the Office of the Associate Chief Counsel (Procedure and Administration).

Statement of Availability of IRS Documents

The IRS Revenue Procedure cited in this document is published in the Internal Revenue Bulletin (or Cumulative Bulletin) and is available from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, or by visiting the IRS website at *http://www.irs.gov.*

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.6081–8 is revised to read as follows:

§ 1.6081–8 Extension of time to file certain information returns.

(a) *Certain information returns eligible for an automatic extension of time to file*—(1) *Automatic extension of time to file.* A person required to file an information return (the filer) on the forms or form series listed in Table 1 will be allowed one automatic 30-day extension of time to file the information return beyond the due date for filing, if the filer or the person transmitting the information return for the filer (the transmitter) files an application in accordance with paragraph (c)(1) of this section.

TABLE 1 TO PARAGRAPH (a)(1)

Form or form series	Name of form
Form W–2G	''Certain Gambling Winnings''.
Form 1042–S	''Foreign Person's U.S. Source Income Subject to Withholding''.
Form 1094-C	''Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns''.
Form 1095–B	''Health Coverage''.
Form 1095–C	''Employer-Provided Health Insurance Offer and Coverage''.
Form 3921	''Exercise of an Incentive Stock Option Under Section 422(b)''.
Form 3922	''Transfer of Stock Acquired Through an Employee Stock Purchase Plan Under Section 423(c)''.
Form 8027	''Employer's Annual Information Return of Tip Income and Allocated Tips''.
Form 1097 series.	
Form 1098 series.	

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Form or form series	Name of form
Form 1099 series (except forms reporting nonemployee compensation).	
Form 5498 series.	

(2) *Non-automatic extension of time to file.* One additional 30-day extension of time to file an information return on a form listed in paragraph (a)(1) of this section may be allowed if the filer or transmitter submits a request for the additional extension of time to file before the expiration of the automatic 30-day extension of time to file. No extension of time to file will be granted under this paragraph (a)(2) unless the filer or transmitter has first obtained an automatic extension of time to file under paragraph (a)(1) of this section. To request the additional 30-day extension of time to file, the filer or transmitter must satisfy the requirements of paragraph (c)(2) of this section. No additional extension of time to file will be allowed for an information return on a form listed in paragraph (a)(1) of this section under § 1.6081–1 beyond the extensions of time to file provided by paragraph (a)(1) of this section and this paragraph (a)(2).

(b) *The Form W–2 series (except Form W–2G) or forms reporting nonemployee compensation.* Except as provided in paragraph (f) of this section, the filer or transmitter of an information return on the Form W–2 series (except Form W–2G) or a form reporting nonemployee compensation may only request one non-automatic 30-day extension of time to file the information return beyond the due date for filing it. To make such a request, the filer or transmitter must submit an application for an extension of time to file in accordance with paragraph (c)(2) of this section. No additional extension of time to file will be allowed for an information return on a form listed in this paragraph (b) under § 1.6081–1 beyond the 30-day extension of time to file provided by this paragraph (b).

(c) *Requirements*—(1) *Automatic extension of time to file.* To satisfy this paragraph (c)(1), an application must—

(i) Be submitted on Form 8809, ''Request for Extension of Time to File Information Returns,'' or in any other manner as may be prescribed by the Commissioner; and

(ii) Be filed with the Internal Revenue Service office designated in the application's instructions on or before the due date for filing the information return.

(2) *Non-automatic extension of time to file.* To satisfy this paragraph (c)(2), a filer or transmitter must—

(i) Submit a complete application on Form 8809, or in any other manner prescribed by the Commissioner, indicating that at least one of the criteria set forth in the forms, instructions, or other guidance for granting an extension applies;

(ii) File the application with the Internal Revenue Service in accordance with forms, instructions, or other appropriate guidance on or before the due date for filing the information return (for purposes of paragraph (a)(2) of this section, determined with regard to the extension of time to file under paragraph (a)(1) of this section); and

(iii) Sign the application under penalties of perjury.

(d) *Penalties.* See sections 6652, 6693, and 6721 through 6724 of the Code for failure to comply with information reporting requirements on information returns described in this section.

(e) *No effect on time to furnish statements.* An extension of time to file an information return under this section does not extend the time for furnishing a statement to the person with respect to whom the information is required to be reported.

(f) *Form W–2 filed on expedited basis.* This section does not apply to an information return on a form in the W–2 series if the procedures authorized in Rev. Proc. 96–57 (1996–2 CB 389) (or a successor revenue procedure) allow an automatic extension of time to file the information return. See § 601.601(d)(2)(ii)(*b*) of this chapter.

(g) *Applicability date.* This section applies to requests for extensions of time to file information returns required to be filed after December 31, 2018. Section 1.6081–8T (as contained in 26 CFR part 1, revised April 1, 2018) applies to extensions of time to file information returns required to be filed before January 1, 2019.

§ 1.6081–8T [Removed]

■ **Par. 3.** Section 1.6081–8T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

Approved: July 13, 2018.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2018–16717 Filed 8–1–18; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0027]

RIN 1625–AA11

Regulated Navigation Area; Lake Washington, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary regulated navigation area for certain navigable waters of Lake Washington. The regulated navigation area is intended to protect personnel and vessels moored in the vicinity and other vessel traffic from potential hazards created by vessel wake. Vessels transiting this area will be restricted to speeds that create a minimum wake.

DATES: This rule is effective from 8 p.m. on August 3, 2018, through 11:59 p.m. on August 5, 2018. This rule will be enforced from 8 p.m. to 8 a.m. daily from August 3, 2018, through August 4, 2018 and from 8 p.m. to 11:59 p.m. on August 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0027 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 Petty Officer Zachary Spence,

Sector Puget Sound Waterways Management, Coast Guard; telephone 206–217–6051, *SectorPugetSoundWWM@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 finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the extraordinary amount of vessel traffic occurring after Seafair marine events and wake hazards posed to persons and vessels moored to the log booms and other vessel traffic in the regulated navigation area. Wakes created by vessels transiting in the vicinity of the vessels moored to the log boom pose a safety concern to personnel aboard those vessels and damage to property. Prompt action is needed to restrict vessel movement prior to and after Seafair events. It is impracticable to publish an NPRM because we must establish this regulated navigation area by August 3, 2018.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with excessive vessel wake and the hazards posed to personnel and vessels moored in the vicinity, particularly those moored to the log booms on Lake Washington as well as other vessel traffic in the area.

III. Legal Authority and Need for Rule

On July 25, 2018, numerous local entities notified the Coast Guard of potential hazardous conditions associated with increased vessel and swimmer congestion before and after Seafair, which may make routine navigation unsafe for persons and vessels. The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The District Commander has determined that potential hazards associated with excessive vessel wake from August 3, 2018, through August 5, 2018, will be a safety concern for anyone south of the Interstate 90 Bridge and north of Bailey Peninsula due to extraordinary amount of vessel traffic occurring after Seafair marine events. Wake hazards caused by this anticipated increase in marine traffic will pose significant risk to persons and vessels moored to the log booms and other vessel traffic in the area. This rule is needed to protect persons and vessels in the navigable waters within the regulated navigation area from excessive vessel wake occurring prior to and after Seafair Events.

IV. Discussion of the Rule

This rule establishes a regulated navigation area from 8 p.m. to 8 a.m. daily from August 3, 2018, through August 4, 2018 and from 8 p.m. to 11:59 p.m. on August 5, 2018. The regulated navigation area will cover all navigable waters south of the Interstate 90 floating bridge and north of a line between the Bailey peninsula and Mercer Island. The duration of the regulated navigation area is intended to protect personnel and vessels in these navigable waters from excessive wake associated with vessel traffic before and after Seafair events. Vessels transiting the area will be required to create minimum wake at speeds less than 7 miles per hour. Enforcement periods for this rule will occur daily prior to and immediately following Seafair Unlimited Hydroplane Race activities.

On June 25, 2018 (83 FR 29438), we published a related notice of enforcement of regulation for 33 CFR 100.1301, Seattle Seafair unlimited hydroplane race. That regulation will be enforced from 8 a.m. on July 31, 2018, through 8 p.m. on August 6, 2018.

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.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and time-of-day of the regulated navigation area. Vessel traffic will be able to transit through the regulated navigation area, only impacting a small designated area of Lake Washington for less than three days. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the regulated navigation area.

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 regulated navigation area may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a regulated navigation area lasting less than 3 days that will restrict vessel speed between the I–90 floating bridge and a line drawn perpendicular from Bailey Peninsula to Mercer Island. It is categorically excluded from further review under 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**.

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.T13–0027 to read as follows:

§ 165.T13–0027 Regulated Navigation Area; Lake Washington; Seattle, WA.

(a) *Location.* The following area is a regulated navigation area: The waters of Lake Washington bounded by the Interstate 90 (Mercer Island/Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Puget Sound (COTP) in the enforcement of the regulated navigation zone.

(c) *Regulations.* All vessels and persons transiting this regulated navigation area shall proceed at a speed which creates minimum wake, 7 miles per hour or less.

(d) *Enforcement periods.* This section will be enforced from 8 p.m. to 8 a.m. daily from August 3, 2018, through August 4, 2018 and from 8 p.m. to 11:59 p.m. on August 5, 2018.

Dated: July 31, 2018.

D.G. Throop,

RADM, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2018–16683 Filed 8–2–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0614]

RIN 1625–AA00

Safety Zone; Fireworks Display, Shark River, Neptune, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Shark River off Neptune, NJ, from 8:30 p.m. through 9:30 p.m. on August 4, 2018, during the Neptune National Night Out Fireworks Display. The safety zone is necessary to ensure the safety of participant vessels, spectators, and the boating public during the event. This regulation prohibits persons and non-participant vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port (COTP) Delaware Bay or a designated representative.

DATES: This rule is effective from 8:30 p.m. through 9:30 p.m. on August 4, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0614 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 MST1 Edmund Ofalt, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division; telephone (215) 271–4814, email *Edmund.J.Ofalt@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFRFR Code of Federal Regulations
DHSFR Department of Homeland Security
FR Federal Register

NPRMFR Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the date of the event. The rule must be in force by August 4, 2018, to serve its purpose of ensuring the safety of spectators and the general public from hazards associated with the fireworks display. Hazards include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

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

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 Delaware Bay (COTP) has determined that potential hazards associated with the fireworks display on August 4, 2018, will be a safety concern for anyone within a 100-yard radius of the fireworks barge, which will be anchored in approximate position 40°11′ 32.08″ N, 074°01′ 53.06″ W. This rule is needed to protect persons, vessels and the public within the safety zone during the fireworks display.

IV. Discussion of the Rule

This rule establishes a temporary safety zone from 8:30 p.m. through 9:30 p.m. on August 4, 2018, on the waters of Shark River off Neptune, NJ, during a fireworks display from a barge. The event is scheduled to take place at approximately 8:45 p.m. on August 4, 2018. The safety zone will extend 100 yards around the barge, which will be anchored at approximate position 40°11′ 32.08″ N, 074°01′53.06″ W. No person or vessel will be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP Delaware Bay or a designated representative. If authorization to enter, transit through, anchor in, or remain within the safety zone is granted by the COTP Delaware Bay or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Delaware Bay or a designated representative. The Coast Guard will provide public notice of the safety zone by Broadcast Notice to Mariners, and by on-scene actual notice from designated representatives.

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.

The rule is not a significant regulatory action for the following reasons: (1) Although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the COTP Delaware Bay or a designated representative, they may operate in the surrounding area during the enforcement period; (2) persons and vessels will still be able to enter, transit through, anchor in, or remain within the regulated area if authorized by the COTP Delaware Bay or a designated representative; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Broadcast Notice to Mariners, or by on-scene actual notice from designated representatives.

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 involves a safety zone that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a limited area on the navigable water in the Shark River, for approximately one hour. This rule 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 (REC) 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.T05-0614 to read as follows:

§ 165.T05–0614 Safety Zone; Fireworks, Shark River, Neptune, NJ.

(a) *Location.* The following area is a safety zone: All waters of the Shark River off of Neptune, NJ, within 100 yards of the barge anchored in position 40°11′32.08″ N, 074°01′53.06″ W. All coordinates are based on Datum NAD 1983.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This zone will be enforced from 8:30 p.m. through 9:30 p.m. on August 4, 2018.

Dated: July 30, 2018.

S.E. Anderson,

Captain, U.S. Coast Guard Captain of the Port Delaware Bay.

[FR Doc. 2018–16620 Filed 8–2–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R07–OAR–2017–0734; FRL 9981–29-Region 7]

Air Plan Approval and Air Quality Designation; MO; Redesignation of the Missouri Portion of the St. Louis Missouri-Illinois Area to Attainment of the 1997 Annual Standards for Fine Particulate Matter and Approval of Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 5, 2018, the Environmental Protection Agency (EPA) published in the **Federal Register** an advanced notice of proposed rulemaking (ANPR) specifically requesting early input and comments on the Agency's interpretation that air quality monitoring data from 2015–2017 support a finding that the Missouri Portion of the St. Louis nonattainment area attains the 1997 Annual National Ambient Air Quality Standards (NAAQS) for fine particulate matter ($PM_{2.5}$). The notice also provided an evaluation of Missouri's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, which includes the 2008 and 2025 NO_X and $PM_{2.5}$ motor vehicle emission budgets (MVEBs) and established the 2008 base year emissions inventory. EPA received no comments on the ANPR. EPA is now taking direct final action on three items, consistent with the ANPR. First, EPA is approving the state's request to redesignate the Missouri portion of the St. Louis MO–IL nonattainment area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS as the monitoring values demonstrate the area attains the standard. Second, EPA is approving the state implementation plan (SIP) revision containing a maintenance plan for the

Missouri portion of the area including the motor vehicle emissions budget. Third, EPA is approving Missouri's 2008 base year emissions inventory in accordance with section 172(c)(3) of the CAA.

DATES: This direct final rule will be effective October 2, 2018, without further notice, unless EPA receives adverse comment by September 4, 2018. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0734, to *https://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 *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7214, or by email at *kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. What is being addressed in this document?

EPA is approving actions related to Missouri's request to redesignate the Missouri portion of the St. Louis area to attainment for the 1997 Annual $PM_{2.5}$ standards. On September 2, 2011, and subsequently on March 31, 2014, and on September 17, 2014,[1] Missouri, through the Missouri Department of Natural Resources (MDNR) submitted requests for EPA to redesignate the Missouri portion of the St. Louis MO–IL nonattainment area to attainment for the 1997 Annual National Ambient Air Quality Standards (NAAQS) for fine particulate matter ($PM_{2.5}$) and approve a state implementation plan (SIP) revision containing a maintenance plan for the Missouri portion of the area. On January 5, 2018, EPA published an Advanced Notice of Proposed Rulemaking (ANPR) on the related actions and received no comments. *See 83 FR 636.* In this rulemaking action, EPA is taking direct final action to approve the state's request. In addition, EPA is also taking direct final action to approve Missouri's 2008 base year emissions inventory in accordance with section 172(c)(3) of the CAA.

II. Have the requirements for approval of a SIP revision been met?

The state's submission has met the public notice requirements for the redesignation request and maintenance plan submission in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The state held a public comment period from December 30, 2013 to February 6, 2014, and received three comments from the EPA. A public hearing was held on January 30, 2014.

III. What action is EPA taking?

Consistent with the strategy outlined in the ANPR, published in January 2018, EPA is taking direct final action to approve Missouri's request to redesignate the St. Louis bi-state nonattainment area for the 1997 Annual $PM_{2.5}$ National Ambient Air Quality Standards and approve a state implementation plan (SIP) revision containing a maintenance plan for the Missouri portion of the area, and officially redesignate the area from nonattainment to attainment. EPA is also taking direct final action on Missouri's 2008 emission inventory.

Missouri submitted their first request to determine attainment and redesignation on September 1, 2011. The state then supplemented and revised their request on March 31, 2014, and on September 17, 2014. In this direct final rule, when EPA refers to Missouri's submission, we are referring to information provided in the 2011 and 2014 submissions and the additional clarifying information together unless otherwise specified.

EPA evaluated Missouri's request and plan consistent with section 175A of the CAA and EPA's supplemental analysis that the area will continue to maintain the 2008 ozone NAAQS following redesignation. The Missouri counties comprising the St. Louis area are Franklin, Jefferson, St. Charles and St. Louis. The City of St. Louis is also part of the nonattainment area. Because we did not receive public comments on the advanced notice of proposed rulemaking for this action, we are publishing this as a direct final rule as we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to approve the SIP revision if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in any subsequent final rule based on the proposed rule.

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

[1] The date of the original submission is September 2, 2011. Missouri supplemented and revised their request on March 31, 2014, September 17, 2014, and May 23, 2017. The May 27, 2017, letter requested EPA to take action on the prior submission, but did not include additional documentation. EPA considered all submissions in reviewing this action.

• 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 16, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA amends 40 CFR parts 52 and 81 as set forth below:

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 AA—Missouri

* * * * *

■ 2. Revise § 52.1341 to read as follows:

§ 52.1341 Control strategy: Particulate.

(a) *Determination of attainment.* EPA has determined, as of May 23, 2011, that the St. Louis (MO–IL) metropolitan 1997 $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 1997 $PM_{2.5}$ NAAQS. In addition, based upon EPA's review of the air quality data for the three-year period 2007 to 2009, the St. Louis (MO–IL) $PM_{2.5}$ nonattainment area has attained the 1997 $PM_{2.5}$ NAAQS by the applicable attainment date of April 5, 2010.

(b) *Redesignation to attainment.* On September 1, 2011, and on March 31, 2014 and on September 17, 2014, Missouri submitted requests to redesignate the Missouri portion of the St. Louis MO–IL area to attainment of the 1997 Annual $PM_{2.5}$ standard. The Missouri portion of the St. Louis MO–IL area includes Jefferson, Franklin, St. Charles, and St. Louis Counties along with the City of St. Louis. As part of the redesignation request, the State submitted a plan for maintaining the 1997 Annual $PM_{2.5}$ standard through 2025 in the area as required by section 175A of the Clean Air Act.

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.*

Subpart C—Section 107 Attainment Status Designations

* * * * *

■ 4. Section 81.326 is amended by revising the entry for ''St. Louis MO–IL'' in the table entitled ''Missouri—1997 Annual $PM_{2.5}$ NAAQS (Primary and Secondary)'' to read as follows:

§ 81.326 Missouri

* * * * *

MISSOURI–1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
St. Louis, MO–IL:				
Franklin County	August 3, 2018	Attainment		
Jefferson County	August 3, 2018	Attainment		
St. Charles County	August 3, 2018	Attainment		

MISSOURI–1997 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
St. Louis County	August 3, 2018	Attainment		
St. Louis City	August 3, 2018	Attainment		
* * * * * * *				

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2018–16003 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2016–0442; FRL–9981–06–OAR]

RIN 2060–AS92

National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry Residual Risk and Technology Review

Correction

In rule document 2018–15718 beginning on page 35122 in the issue of Wednesday, July 25, 2018, make the following correction:

Table 1 to Subpart LLL of Part 63 [Corrected]

■ On page 35135, the table should read as set forth below:

TABLE 1 TO SUBPART LLL OF PART 63—APPLICABILITY OF GENERAL PROVISIONS

Citation	Requirement	Applies to subpart LLL	Explanation
* * * * * * *			
63.10(e)(3)(v)	Due Dates for Excess Emissions and CMS Performance Reports.	No	§ 63.1354(b)(9) specifies due date.
* * * * * * *			

[FR Doc. C1–2018–15718 Filed 8–2–18; 8:45 am]

BILLING CODE 1301–00–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–2010–1086; FRL–9979–68–OLEM]

RIN 2050–AG67

Addition of a Subsurface Intrusion Component to the Hazard Ranking System; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: On January 9, 2017, the Environmental Protection Agency published a final rule which added subsurface intrusion component to the Superfund Hazard Ranking System. That document inadvertently failed to update the Table of Contents and contained a few other typographical errors. This document corrects the final regulation.

DATES: This correction is effective August 3, 2018.

FOR FURTHER INFORMATION CONTACT: Terry Jeng, phone: (703) 603–8852, email: *jeng.terry@epa.gov,* Site Assessment and Remedy Decisions Branch, Assessment and Remediation Division, Office of Superfund Remediation and Technology Innovation (Mailcode 5204P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: This is EPA's erratum to the final rule titled Addition of a Subsurface Intrusion Component to the Hazard Ranking System, published January 9, 2017 (82 FR 2760). This is the second set of corrections. The first set of corrections was published in the **Federal Register** on January 31, 2018 (83 FR 4430). This document augments those corrections.

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. *See Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 752 (D.C. Cir. 2001). We have determined that there is good

cause for making these correcting amendments final without prior proposal and opportunity for public comment. Notice and comment is unnecessary because these administrative or clerical corrections govern the methodology of how EPA, rather than the public or industry, evaluates contaminated sites under the Hazard Ranking System. Similarly, notice and comment is impracticable and contrary to the public interest because the correcting amendments will more quickly ensure that EPA is following the proper procedures to evaluate potential threats to public health from releases of hazardous substances, pollutants, or contaminants. Thus, good cause exists to proceed without notice and public comment.

These correcting amendments are effective immediately upon publication. Section 553(d) of the APA, 5 U.S.C. 553(d), provides that final rules shall not become effective until 30 days after publication in the **Federal Register**, ''except . . . as otherwise provided by the agency for good cause,'' among other exceptions. The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *FCC,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should ''balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' *Gavrilovic,* 551 F.2d at 1105. EPA has determined that there is good cause for making these correcting amendments effective immediately because, as stated above, the corrections govern how EPA, rather than the public or industry, applies the Hazard Ranking System to evaluate potential threats to public health from releases of hazardous substances, pollutants, or contaminants. Accordingly, EPA finds that good cause exists under section 553(d)(3) to make this rule effective immediately upon publication.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Natural resources, Oil pollution, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 29, 2018.

Barry N. Breen,

Acting Assistant Administrator, Office of Land and Emergency Management.

40 CFR part 300 is corrected as follows:

PART 300—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

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

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.

■ 2. Amend Appendix A to Part 300 by:

■ a. In the Table of Contents revising the entries for ''5.0'' through ''5.3''; and

■ b. Revising Table 2–5, Table 5–16, and Table 7–1.

The revisions read as follows:

Appendix A to Part 300—The Hazard Ranking System

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5.2.2 Calculation of subsurface intrusion component score.
5.3 Calculation of the soil exposure and subsurface intrusion pathway score.
* * * * *

TABLE 2–5—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS

Tier	Measure	Units	Equation for assigning value [a]
A	Hazardous constituent quantity (C)	lb	C.
B [b]	Hazardous wastestream quantity (W)	lb	W/5,000.

TABLE 2–5—HAZARDOUS WASTE QUANTITY EVALUATION EQUATIONS—Continued

Tier	Measure	Units	Equation for assigning value [a]
C [b]	Volume (V).		
	Landfill	yd^3	V/2,500.
	Surface impoundment	yd^3	V/2.5.
	Surface impoundment (buried/backfilled)	yd^3	V/2.5.
	Drums [c]	gallon	V/500.
	Tanks and containers other than drums	yd^3	V/2.5.
	Contaminated soil	yd^3	V/2,500.
	Pile	yd^3	V/2.5.
	Other	yd^3	V/2.5.
D [b]	Area (A).		
	Landfill	ft^2	A/3,400.
	Surface impoundment	ft^2	A/13.
	Surface impoundment (buried/backfilled)	ft^2	A/13.
	Land treatment	ft^2	A/270.
	Pile [d]	ft^2	A/13.
	Contaminated soil	ft^2	A/34,000.

[a] Do not round to nearest integer.
[b] Convert volume to mass when necessary: 1 ton = 2,000 pounds = 1 cubic yard = 4 drums = 200 gallons.
[c] If actual volume of drums is unavailable, assume 1 drum=50 gallons.
[d] Use land surface area under pile, not surface area of pile.

* * * * *

TABLE 5–16—VALUES FOR VAPOR PRESSURE AND HENRY'S CONSTANT

	Assigned value
Vapor Pressure (Torr):	
Greater than 10	3
1 to 10	2
Less than 1	0
Henry's Constant (atm-m^3/mol):	
Greater than 10^{-3}	3
Greater than 10^{-4} to 10^{-3}	2
10^{-5} to 10^{-4}	1
Less than 10^{-5}	0

* * * * *

TABLE 7–1—HRS FACTORS EVALUATED DIFFERENTLY FOR RADIONUCLIDES

Ground water pathway	Status [a]	Surface water pathway	Status [a]	Soil exposure component of SESSI pathway	Status [a]	Subsurface intrusion component of SESSI pathway	Status [a]	Air pathway	Status [a]
Likelihood of Release		Likelihood of Release		Likelihood of Exposure		Likelihood of Exposure		Likelihood of Release	
Observed Release	Yes	Observed Release.	Yes	Observed Contamination.	Yes	Observed Exposure.	Yes	Observed Release.	Yes.
Potential to Release	No	Potential to Release.	No	Attractiveness/Accessibility to Nearby Residents.	No	Potential for Exposure.	Yes	Gas Potential to Release.	No.
Containment	No	Overland Flow Containment.	No	Area of Contamination.	No	Structure Containment.	No	Gas Containment	No.
Net Precipitation	No	Runoff	No			Depth to Contamination.	Yes	Gas Source Type	No.
Depth to Aquifer	No	Distance to Surface water.	No			Vertical migration	No	Gas Migration Potential.	No.
Travel Time	No	Flood Frequency	No			Vapor Migration Potential.	No	Particulate Potential to Release.	No.
		Flood Containment.	No			Area of Observed Exposure.	No	Particulate Containment.	No.
						Area of Subsurface Contamination.	No	Particulate Source Type.	No.
								Particulate Migration Potential.	No.

TABLE 7–1—HRS FACTORS EVALUATED DIFFERENTLY FOR RADIONUCLIDES—Continued

Ground water pathway	Status [a]	Surface water pathway	Status [a]	Soil exposure component of SESSI pathway	Status [a]	Subsurface intrusion component of SESSI pathway	Status [a]	Air pathway	Status [a]
Likelihood of Release		Likelihood of Release		Likelihood of Exposure		Likelihood of Exposure		Likelihood of Release	
Waste Characteristics		Waste Characteristics		Waste Characteristics		Waste Characteristics		Waste Characteristics	.....
Toxicity	Yes	Toxicity/ Ecotoxicity.	Yes/Yes	Toxicity	Yes	Toxicity/Degradation.	Yes/Yes	Toxicity	Yes.
Mobility	No	Persistence/Mobility.	Yes/No	Hazardous Waste Quantity.	Yes	Hazardous Waste Quantity.	Yes	Mobility	No.
Hazardous Waste Quantity.	Yes	Bioaccumulation Potential.	No	.....	.....	.....	.....	Hazardous Waste Quantity.	Yes.
		Hazardous Waste Quantity.	Yes.						
Targets		Targets		Targets		Targets		Targets	
Nearest Well	Yes [b]	Nearest Intake	Yes [b]	Resident Individual	Yes [b]	Exposed Individual	Yes [b]	Nearest Individual	Yes.[b]
Population	Yes [b]	Drinking Water Population.	Yes [b]	Resident Population.	Yes [b]	Population	Yes [b]	Population	Yes.[b]
Resources	No	Resources	No	Workers	No	Resources	No	Resources	No.
Wellhead Protection Area.	No	Sensitive Environments.	Yes [b]	Resources	No	.....	.....	Sensitive Environments.	No.
		Human Food Chain Individual.	Yes [b]	Terrestrial Sensitive Environments.	No.				
		Human Food Chain Population.	Yes [b]	Nearby Individual	No				
				Population Within 1 Mile.	No..				

a—Factors evaluated differently are denoted by ''yes''; factors not evaluated differently are denoted by ''no''.
b—Difference is in the determination of Level I and Level II concentrations.

* * * * *

[FR Doc. 2018–16605 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[GEN Docket No. 86–285; FCC 18–90]

Schedule of Application Fees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) revises the FY 2018 application fee rates based on increases in the Consumer Price Index.

DATES: Effective September 4, 2018.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, FCC 18–90, GEN Docket No. 86–285, adopted on July 6, 2018 and released on July 10, 2018. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW, Room CY–A257, Portals II, Washington, DC 20554. This document is also available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need documents in these formats may contact the FCC by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

Synopsis

I. Introduction

1. By this Order, the Commission makes rule changes to part 1 of the Commission's rules, and amends its Schedule of Application Fees, 47 CFR 1.1102 through 1.1109, as listed in the Rule Changes section, to adjust its fees for processing applications and other filings. Section 8(a) of the Communications Act of 1934, as amended (''the Act''), requires the Commission to ''assess and collect application fees at such rates as the Commission shall establish or at such modified rates as it shall establish pursuant to'' Section 8(b).[1] Section 8(g) contains the Schedule of Charges for a broad range of application categories as well as procedures for modifying and collecting these charges.[2] Section 8(b)(1) requires that the Schedule of Application Fees ''be reviewed by the Commission every two years after October 1, 1991, and adjusted by the Commission to reflect changes in the Consumer Price Index.'' As required by Section 8(b)(1), this Order increases application fees to reflect the net change in the Consumer Price Index for all Urban Consumers (''CPI–U'') of 3.7 percent, an increase of 8.825 index points calculated from October 2015 (237.838) to October 2017 (246.663).[3]

[1] 47 U.S.C. 158(a).

[2] The RAY BAUM's Act of 2018 amended Section 8 of the Communications Act and provided an effective date of October 1, 2018 for such changes. Consolidated Appropriations Act, 2018, Division P—RAY BAUM's Act of 2018, Title I, FCC Reauthorization, Public Law 115–141 (March 23, 2018). Congress envisioned a transition between fees adopted before and after the effective date of the amendments to Section 8. In particular, Congress provided that application fees in effect on the day before the effective date of the RAY BAUM's Act shall remain in effect until such time as the Commission adjusts or amends such fee. *Id.* Section 8 fees are revised every even year and the Commission expects that this *Order* will become effective before October 1, 2018. We also note that in a separate proceeding, the Commission proposed to assess a small satellite application fee of $30,000.00 under the RAY BAUM's Act. *See Streamlining Licensing Procedures for Small Satellites,* Notice of Proposed Rulemaking, IB Docket No. 18–86, FCC 18–44, para. 76 (2018). In this Order, the Commission does not address this proposal.

[3] Application fees are calculated based upon the process set forth in 47 U.S.C. 158(b)(1). The increase in the CPI–U between October 2015 (the month used to calculate the last CPI–U adjustment of the Schedule of Application Fees) and October 2017 is 8.825 index points, a 3.7 percent increase. Section 8(b)(1) prescribes that increases or decreases in application fees are to be ''determined by the net change in the Consumer Price Index

Continued

The adjustments comply with the statutory formula set forth in Section 8(b).

2. The methodology and timing of adjustments to application fees are prescribed by statute at 47 U.S.C. 158(b). Because our action implementing the statute leaves us no discretion, prior notice and comment is unnecessary pursuant to 5 U.S.C. 553(b)(3)(B). This Order is also exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* pursuant to 5 U.S.C. 601(2). Copies of this Order will be sent to Congress and the Comptroller General in compliance with the Congressional Review Act, 5 U.S.C. 801 *et seq.* Notification of the fee adjustments made in this Order will be published in the **Federal Register**.

3. *Reminder Regarding Lockbox Closures.* During the past few years, the Commission has been reducing its use of P.O. Boxes for the collection of fees and has encouraged the use of electronic payment systems for all application and regulatory fees.[4] The electronic payment of fees for applications, tariffs, and petitions increases the agency's financial efficiency by reducing expenditures, including the annual fee for utilizing the bank's services and the cost of processing each transaction manually, with very little or no inconvenience to the regulatees, applicants, and the public.[5] As part of this process, the Commission has closed Lockbox 979092 (used to submit fees and petitions related to services provided by the Public Safety & Homeland Security Bureau) and Lockbox 979091 (used to submit fees and petitions related to services provided by the Wireline Competition Bureau).[6] Additional closings will occur in coming months. As these Lockboxes are closed, filers will be required to submit payments electronically in accordance with the procedures set forth on the Commission's website, *https://www.fcc.gov/licensingdatabases/fees.* Payments can be made through the Fee Filer Online System (Fee Filer), accessible at *https://www.fcc.gov/licensing-databases/fees/fee-filer,* although we caution filers that the agency may transition to other secure payment systems in the future, after appropriate public notice and guidance. To file applications, tariffs, and petitions, parties should utilize, as applicable, the Commission's Electronic Tariff Filing System for tariffs, which can be found at *https://apps.fcc.gov/etfs/etfsHome.action,* or the Electronic Comment Filing System (ECFS), which can be found at *http://apps.fcc.gov/ecfs/upload/display.* Petitions filed in hard copy format should be submitted according to the procedures set forth on the web page of the Commission's Office of the Secretary, *https://www.fcc.gov/seretary.*

II. Procedural Matters

A. Final Regulatory Flexibility Analysis

4. This Order is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* pursuant to 5 U.S.C. 601(2).

B. Final Paperwork Reduction Act of 1995 Analysis

5. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

C. Congressional Review Act

6. The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

III. Ordering Clauses

7. Accordingly, *it is ordered,* that, pursuant to 1, 4(i), 4(j), and 8 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 158, the rule changes specified herein ARE ADOPTED and the Schedule of Application Fees, 47 CFR 1.1102 through 1.1109, *is amended* as set forth in the Rule Changes section.

8. *It is further ordered* that the rule changes and amendments to the Schedule of Application Fees made herein shall become effective September 4, 2018.

Federal Communications Commission.

Marlene Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455, unless otherwise noted.

■ 2. Section 1.1102 is revised to read as follows:

§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.

In the table below, the amounts appearing in the column labeled ''Fee Amount'' are for application fees only. Those services designated in the table below with an asterisk (*) in the column labeled ''Payment Type Code'' also have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to the FY 2017 Wireless Telecommunications Fee Filing Guide (updated and effective 9/26/16) for the corresponding regulatory fee amount located at *https://www.fcc.gov/document/wtb-fee-filing-guide-effective-september-26-2016.* For additional guidance, please refer to § 1.1152. Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, Wireless Bureau Applications, P.O. Box 979097, St. Louis, MO 63197–9000.

since the date of enactment of this section,'' *i.e.,* since December 1989. The actual calculation of fees is based on index points that are averaged over a time period beginning in December 1989. *See* Bureau of Labor Statistics CPI–U Index, *https://www.bls.gov/cpi/tables/historical-cpi-u-201710.pdf* (showing a CPI–U Index of 237.838 for October 2015 and 246.663 for October 2017).

[4] The Commission previously revised its payment rules to encourage electronic payment of application processing fees and require electronic payment of regulatory fees. 47 CFR 1.1112 (application fees) and 1.1158 (regulatory fees). These rules became effective November 30, 2015. 80 FR 66816 (Oct. 30, 2015).

[5] *See* Treasury Financial Manual, Bulletin No. 2017–12, ''Agency No-Cash or No-Check Policies,'' released on September 18, 2017 (explaining the circumstances under which agencies may decide not to accept payments made in cash or by check), *available at https://tfm.fiscal.treasury.gov/v1/bull/17-12.pdf; see also https://www.gpo.gov/fdsys/pkg/FR-2011-06-16/pdf/2011-15181.pdf.*

[6] *Amendment of Part 1 of the Commission's Rules,* Order, MD Docket No. 17–123, 32 FCC Rcd 4203 (2017) (modifying Section 1.1109 of the Commission's rules to delete reference to P.O. Box 979092 at U.S. Bank in St. Louis, Missouri); *Amendment of Parts 0, 1, 51, and 61 of the Commission's Rules,* Order, MD Docket No. 17–357, 32 FCC Rcd 10565 (2017) (modifying Section 1.1105 of the Commission's rules to delete reference to P.O. Box 979091 at U.S. Bank in St. Louis, Missouri).

Service	FCC Form No.	Fee amount	Payment type code
1. Marine Coast:			
a. New; Renewal/Modification	601 & 159		PBMR*
	601 & 159	$140.00	PBMM
b. Modification; Public Coast CMRS; Non-Profit	601 & 159	140.00	PBMM
c. Assignment of Authorization	603 & 159	140.00	PBMM
d. Transfer of Control Spectrum Leasing for Public Coast	603 & 159	70.00	PATM
	608 & 159	70.00	PATM
e. Duplicate License	601 & 159	70.00	PADM
f. Special Temporary Authority	601 & 159	200.00	PCMM
g. Renewal Only	601 & 159		PBMR*
	601 & 159	140.00	PBMM
h. Renewal (Electronic Filing)	601 & 159		PBMR*
	601 & 159	140.00	PBMM
i. Renewal Only (Non-Profit; CMRS)	601 & 159	140.00	PBMM
j. Renewal (Electronic Filing) Non-profit, CMRS	601 & 159	140.00	PBMM
k. Rule Waiver	601, 603, 608 or 609–T & 159	210.00	PDWM
l. Modification for Spectrum Leasing for Public Coast Stations.	608 & 159	140.00	PBMM
m. Designated Entity Licensee Reportable Eligibility Event	609–T & 159	70.00	PATM
2. Aviation Ground:			
a. New; Renewal/Modification	601 & 159		PBVR*
	601 & 159	140.00	PBVM
b. Modification; Non-Profit	601 & 159	140.00	PBVM
c. Assignment of Authorization	603 & 159	140.00	PBVM
d. Transfer of Control	603 & 159	70.00	PATM
e. Duplicate License	601 & 159	70.00	PADM
f. Special Temporary Authority	601 & 159	200.00	PCVM
g. Renewal Only	601 & 159		PBVR*
	601 & 159	140.00	PBVM
h. Renewal Electronic Filing)	601 & 159		PBVR*
	601 & 159	140.00	PBVM
i. Renewal Only Non-Profit	601 & 159	140.00	PBVM
j. Renewal Non-Profit (Electronic Filing)	601 & 159	140.00	PBVM
k. Rule Waiver	601 or 603 & 159	210.00	PDWM
3. Ship:			
a. New; Renewal/Modification; Renewal Only	605 & 159		PASR*
	605 & 159	70.00	PASM
b. New; Renewal/Modification; Renewal Only (Electronic Filing).	605 & 159	70.00	PASR*
	605 & 159		PASM
c. Renewal Only Non-profit	605 & 159	70.00	PASM
d. Renewal Only Non-profit (Electronic Filing)	605 & 159	70.00	PASM
e. Modification; Non-profit	605 & 159	70.00	PASM
f. Modification; Non-profit (Electronic Filing)	605 & 159	70.00	PASM
g. Duplicate License	605 & 159	70.00	PADM
h. Duplicate License (Electronic Filing)	605 & 159	70.00	PADM
i. Exemption from Ship Station Requirements	605 & 159	210.00	PDWM
j. Rule Waiver	605 & 159	210.00	PDWM
k. Exemption from Ship Station Requirements (Electronic Filing).	605 & 159	210.00	PDWM
l. Rule Waiver (Electronic Filing)	605 & 159	210.00	PDWM
4. Aircraft:			
a. New; Renewal/Modification	605 & 159		PAAR*
	605 & 159	70.00	PAAM
b. New; Renewal/Modification (Electronic Filing)	605 & 159		PAAR*
	605 & 159	70.00	PAAM
c. Modification; Non-Profit	605 & 159	70.00	PAAM
d. Modification Non-Profit (Electronic Filing)	605 & 159	70.00	PAAM
e. Renewal Only	605 & 159		PAAR*
	605 & 159	70.00	PAAM
f. Renewal (Electronic Filing)	605 & 159		PAAR*
	605 & 159	70.00	PAAM
g. Renewal Only Non-Profit	605 & 159	70.00	PAAM
h. Renewal; Renewal/Modification Non-Profit (Electronic Filing).	605 & 159	70.00	PAAM
i. Duplicate License	605 & 159	70.00	PADM
j. Duplicate License (Electronic Filing)	605 & 159	70.00	PADM
k. Rule Waiver	603, 605 & 159	210.00	PDWM
l. Rule Waiver (Electronic Filing)	605 & 159	210.00	PDWM
5. Private Operational Fixed Microwave and Private DEMS:			
a. New; Renewal/Modification	601 & 159		PEOR*
	601 & 159	305.00	PEOM
b. New; Renewal/Modification (Electronic Filing)	601 & 159		PEOR*
	601 & 159	305.00	PEOM

Service	FCC Form No.	Fee amount	Payment type code
c. Modification; Consolidate Call Signs; Non-Profit	601 & 159	305.00	PEOM
d. Modification; Consolidate Call Signs; Non-Profit (Electronic Filing).	601 & 159	305.00	PEOM
e. Renewal Only	601 & 159		PEOR*
	601 & 159	305.00	PEOM
f. Renewal (Electronic Filing)	601 & 159		PEOR*
	601 & 159	305.00	PEOM
g. Renewal Only Non-Profit	601 & 159	305.00	PEOM
h. Renewal Non-Profit (Electronic Filing)	601 & 159	305.00	PEOM
i. Assignment	603 & 159	305.00	PEOM
j. Assignment (Electronic Filing)	603 & 159	305.00	PEOM
k. Transfer of Control; Spectrum Leasing	603 & 159	70.00	PATM
	603 & 159	70.00	PATM
l. Transfer of Control; Spectrum Leasing (Electronic Filing)	603 & 159	70.00	PATM
	603 & 159	70.00	PATM
m. Duplicate License	601 & 159	70.00	PADM
n. Duplicate License (Electronic Filing)	601 & 159	70.00	PADM
o. Special Temporary Authority	601 & 159	70.00	PAOM
p. Special Temporary Authority (Electronic Filing)	601 & 159	70.00	PAOM
q. Rule Waiver	601, 603 or	210.00	PDWM
	608, 609T & 159	210.00	PDWM
r. Rule Waiver (Electronic Filing)	601, 603 or	210.00	PDWM
	608, 609T & 159	210.00	PDWM
s. Modification for Spectrum Leasing	608 & 159	305.00	PEOM
t. Modification for Spectrum Leasing (Electronic Filing)	608 & 159	305.00	PEOM
u. Designated Entity Licensee Reportable Eligibility Event	609–T & 159	70.00	PATM
6. Land Mobile:			
PMRS; Intelligent Transportation Service	601 & 159		PALR*
a. New or Renewal/Modification (Frequencies below 470 MHz (except 220 MHz)) 902–928 MHz & RS.	601 & 159	70.00	PALM
b. New; Renewal/Modification (Frequencies below 470 MHz (except 220 MHz)) (Electronic Filing).	601 & 159	70.00	PALR*
	601 & 159		PALM
c. New; Renewal/Modification (Frequencies 470 MHz and above and 220 MHz Local).	601 & 159	70.00	PALS*
	601 & 159		PALM
d. New; Renewal/Modification (Frequencies 470 MHz and above and 220 MHz Local) (Electronic Filing).	601 & 159	70.00	PALS*
	601 & 159		PALM
e. New; Renewal/Modification (220 MHz Nationwide)	601 & 159	70.00	PALT*
	601 & 159		PALM
f. New; Renewal/Modification (220 MHz Nationwide) (Electronic Filing).	601 & 159	70.00	PALT*
	601 & 159		PALM
g. Modification; Non-Profit; For Profit Special Emergency and Public Safety; nd CMRS.	601 & 159	70.00	PALM
h. Modification; Non-Profit; For Profit Special Emergency and Public Safety; and CMRS (Electronic Filing).	601 & 159	70.00	PALM
i. Renewal Only	601 & 159		
	601 & 159	70.00	PALR*
			PALM
	601 & 159		PALS*
	601 & 159	70.00	PALM
	601 & 159	70.00	PALT*
	601 & 159	70.00	PALM
j. Renewal (Electronic Filing)	601 & 159		PALR*
	601 & 159	70.00	PALM
	601 & 159		PALS*
	601 & 159	70.00	PALM
	601 & 159		PALT*
	601 & 159	70.00	PALM
k. Renewal Only (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety).	601 & 159	70.00	PALM
l. Renewal (Non-Profit; CMRS; For-Profit Special Emergency and Public Safety) (Electronic Filing).	601 & 159	70.00	PALM
m. Assignment of Authorization (PMRS & CMRS)	603 & 159	70.00	PALM
n. Assignment of Authorization (PMRS & CMRS) (Electronic Filing).	603 & 159	70.00	PALM
o. Transfer of Control (PMRS & CMRS); Spectrum Leasing.	603 & 159	70.00	PATM
	603 & 159	70.00	PATM
p. Transfer of Control (PMRS & CMRS); Spectrum Leasing (Electronic Filing).	603 & 159	70.00	PATM
	608 & 159	70.00	PATM
q. Duplicate License	601 & 159	70.00	PADM
r. Duplicate License (Electronic Filing)	601 & 159	70.00	PADM
s. Special Temporary Authority	601 & 159	70.00	PALM
t. Special Temporary Authority (Electronic Filing)	601 & 159	70.00	PALM
u. Rule Waiver	601, 603 or 608 & 159	210.00	PDWM

Service	FCC Form No.	Fee amount	Payment type code
	601, 603 or 608 & 159	210.00	PDWM
v. Rule Waiver (Electronic Filing)	601, 603 or 608, 609T 159	210.00	PDWM
	601, 603 or 608, 609T 159	210.00	PDWM
w. Consolidate Call Signs	601 & 159	70.00	PALM
x. Consolidate Call Signs (Electronic Filing)	601 & 159	70.00	PALM
y. Modification for Spectrum Leasing	608 & 159	70.00	PALM
z. Modification for Spectrum Leasing (Electronic Filing)	608 & 159	70.00	PALM
aa. Designated Entity Licensee Reportable Eligibility Event.	609–T & 159	70.00	PATM
7. 218–219 MHz (previously IVDS):			
a. New; Renewal/Modification	601 & 159		PAIR *
	601 & 159	70.00	PAIM
b. New; Renewal/Modification (Electronic Filing)	601 & 159	70.00	PAIR *
	601 & 159	70.00	PAIM
c. Modification; Non-Profit	601 & 159	70.00	PAIM
d. Modification; Non-Profit (Electronic Filing)	601 & 159	70.00	PAIM
e. Renewal Only	601 & 159		PAIR *
	601 & 159	70.00	PAIM
f. Renewal (Electronic Filing)	601 & 159		PAIR *
	601 & 159	70.00	PAIM
g. Assignment of Authorization	603 & 159	70.00	PAIM
h. Assignment of Authorization (Electronic Filing)	603 & 159	70.00	PAIM
i. Transfer of Control; Spectrum Leasing	603 & 159	70.00	PATM
	608 & 159	70.00	PATM
j. Transfer of Control; Spectrum Leasing (Electronic Filing)	603 & 159	70.00	PATM
	603 & 159	70.00	PATM
k. Duplicate License	601 & 159	70.00	PADM
l. Duplicate License (Electronic Filing)	601 & 159	70.00	PADM
m. Special Temporary Authority	601 & 159	70.00	PAIM
n. Special Temporary Authority (Electronic Filing)	601 & 159	70.00	PAIM
o. Modification for Spectrum Leasing	608 & 159	70.00	PAIM
p. Modification for Spectrum Leasing (Electronic Filing)	608 & 159	70.00	PAIM
q. Designated Entity Licensee Reportable Eligibility Event	609–T & 159	70.00	PATM
8. General Mobile Radio (GMRS):			
a. New; Renewal/Modification	605 & 159		PAZR *
	605 & 159	70.00	PAZM
b. New; Renewal/Modification (Electronic Filing)	605 & 159		PAZR *
	605 & 159	70.00	PAZM
c. Modification	605 & 159	70.00	PAZM
d. Modification (Electronic Filing)	605 & 159	70.00	PAZM
e. Renewal Only	605 & 159		PAZR *
	605 & 159	70.00	PAZM
f. Renewal (Electronic Filing)	605 & 159		PAZR *
	605 & 159	70.00	PAZM
g. Duplicate License	605 & 159	70.00	PADM
h. Duplicate License (Electronic Filing)	605 & 159	70.00	PADM
i. Special Temporary Authority	605 & 159	70.00	PAZM
j. Special Temporary Authority (Electronic Filing)	605 & 159	70.00	PAZM
k. Rule Waiver	605 & 159	210.00	PDWM
l. Rule Waiver (Electronic Filing)	605 & 159	210.00	PDWM
9. Restricted Radiotelephone:			
a. New (Lifetime Permit) New (Limited Use)	605 & 159	70.00	PARR
	605 & 159	70.00	PARR
b. Duplicate/Replacement Permit Duplicate/Replacement Permit (Limited Use).	605 & 159	70.00	PADM
	605 & 159	70.00	PADM
10. Commercial Radio Operator:			
a. Renewal Only; Renewal/Modification	605 & 159	70.00	PACS
b. Duplicate	605 & 159	70.00	PADM
11. Hearing:			
	Corres & 159	13,225.00	PFHM
12. Common Carrier Microwave:			
(Pt. To Pt., Local TV Trans. & Millimeter Wave Service)			
a. New; Renewal/Modification (Electronic Filing Required)	601 & 159		CJPR *
	601 & 159	305.00	CJPM
b. Major Modification; Consolidate Call Signs (Electronic Filing Required).	601 & 159	305.00	CJPM
c. Renewal (Electronic Filing Required)	601 & 159		CJPR *
	601 & 159	305.00	CJPM
d. Assignment of Authorization; Transfer of Control; Spectrum Leasing Additional Stations (Electronic Filing Required).	603 & 159	110.00	CCPM
	608 & 159	110.00	CCPM
	603 or 608 & 159	70.00	CAPM
e. Duplicate License (Electronic Filing Required)	601 & 159	70.00	PADM
f. Extension of Construction Authority (Electronic Filing Required).	601 & 159	110.00	CCPM

Service	FCC Form No.	Fee amount	Payment type code
g. Special Temporary Authority	601 & 159	140.00	CEPM
h. Special Temporary Authority (Electronic Filing)	601 & 159	140.00	CEPM
i. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	305.00	CJPM
j. Designated Entity Licensee Reportable Eligibility Event	609–T & 159	70.00	CAPM
13. Common Carrier Microwave (DEMS):			
a. New; Renewal/Modification (Electronic Filing Required)	601 & 159		CJLR *
	601 & 159	305.00	CJLM
b. Major Modification; Consolidate Call Signs (Electronic Filing Required).	601 & 159	305.00	CJLM
c. Renewal (Electronic Filing Required)	601 & 159		CJLR *
	601 & 159	305.00	CJLM
d. Assignment of Authorization; Transfer of Control; Spectrum Leasing Additional Stations (Electronic Filing Required).	603 & 159	110.00	CCLM
	603 & 159	110.00	CCLM
	603 or 608 & 159	70.00	CALM
e. Duplicate License (Electronic Filing Required)	601 & 159	70.00	PADM
f. Extension of Construction Authority (Electronic Filing Required).	601 & 159	110.00	CCLM
g. Special Temporary Authority	601 & 159	140.00	CELM
h. Special Temporary Authority (Electronic Filing)	601 & 159	140.00	CELM
i. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	305.00	CJLM
j. Designated Entity Licensee Reportable Eligibility Event	609–T & 159	70.00	CALM
14. Broadcast Auxiliary (Aural and TV Microwave):			
a. New; Modification; Renewal/Modification	601 & 159	170.00	MEA
b. New; Modification; Renewal/Modification (Electronic Filing).	601 & 159	170.00	MEA
c. Special Temporary Authority	601 & 159	200.00	MGA
d. Special Temporary Authority (Electronic Filing)	601 & 159	200.00	MGA
e. Renewal Only	601 & 159	70.00	MAA
f. Renewal (Electronic Filing)	601 & 159	70.00	MAA
15. Broadcast Auxiliary (Remote and Low Power):			
a. New; Modification; Renewal/Modification	601 & 159	170.00	MEA
b. New; Modification; Renewal/Modification (Electronic Filing).	601 & 159	170.00	MEA
c. Renewal Only	601 & 159	70.00	MAA
d. Renewal (Electronic Filing)	601 & 159	70.00	MAA
e. Special Temporary Authority	601 & 159	200.00	MGA
f. Special Temporary Authority (Electronic Filing)	601 & 159	200.00	MGA
16. Pt 22 Paging & Radiotelephone:			
a. New; Major Mod; Additional Facility; Major Amendment; Major Renewal/Mod; Fill in Transmitter (Per Transmitter) (Electronic Filing Required).	601 & 159	450.00	CMD
b. Minor Mod; Renewal; Minor Renewal/Mod; (Per Call Sign) 900 MHz Nationwide Renewal Net Organ; New Operator (Per Operator/Per City) Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required).	601 & 159	70.00	CAD
c. Auxiliary Test (Per Transmitter); Consolidate Call Signs (Per Call Sign) (Electronic Filing Required).	601 & 159	395.00	CLD
d. Special Temporary Authority (Per Location/Per Frequency).	601 & 159	395.00	CLD
e. Special Temporary Authority (Per Location/Per Frequency) (Electronic Filing).	601 & 159	395.00	CLD
f. Assignment of License or Transfer of Control; Spectrum Leasing (Full or Partial) (Per First Call Sign); Additional Call Signs (Per Call Signs) (Electronic Filing Required).	603 & 159	450.00	CMD
	608 & 159	450.00	CMD
	603 or 608 & 159	70.00	CAD
g. Subsidiary Comm. Service (Per Request) (Electronic Filing Required).	601 & 159	200.00	CFD
h. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	450.00	CMD
i. Minor Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	70.00	CAD
j. Designated Entity Licensee Reportable Eligibility Event First Call Sign on Application.	609–T & 159	450.00	CMD
k. Designated Entity Licensee Reportable Eligibility Event Each Additional Call Sign.	609–T & 159	70.00	CAD
17. Cellular:			
a. New; Major Mod; Additional Facility; Major Renewal/Mod (Per Call Sign) Electronic Filing Required).	601 & 159	450.00	CMC
b. Minor Modification; Minor Renewal/Mod (Per Call Sign) (Electronic Filing Required).	601 & 159	120.00	CDC

Service	FCC Form No.	Fee amount	Payment type code
c. Assignment of License; Transfer of Control (Full or Partial) (Per Call Sign) Spectrum Leasing (Electronic Filing Required).	603 & 159 603 & 159	450.00 450.00	CMC CMC
d. Notice of Extension of Time to Complete Construction; (Per Request) Renewal (Per Call Sign) (Electronic Filing Required).	601 & 159	70.00	CAC
e. Special Temporary Authority (Per Request)	601 & 159	395.00	CLC
f. Special Temporary Authority (Per Request) (Electronic Filing).	601 & 159	395.00	CLC
g. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	450.00	CMC
h. Minor Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	120.00	CDC
18. Rural Radio:			
a. New; Major Renew/Mod; Additional Facility (Per Transmitter) (Electronic Filing Required).	601 & 159 601 & 159	210.00	CGRR* CGRM
b. Major Mod; Major Amendment (Per Transmitter) (Electronic Filing Required).	601 & 159	210.00	CGRM
c. Minor Modification; (Per Transmitter) (Electronic Filing Required).	601 & 159	70.00	CARM
d. Assignment of License; Transfer of Control (Full or Partial) (Per Call Sign) Spectrum Leasing Additional Calls (Per Call Sign) (Electronic Filing Required).	603 & 159 608 & 159 603 or 608 & 159	210.00 210.00 70.00	CGRM CGRM CARM
e. Renewal (Per Call Sign); Minor Renewal/Mod (Per Transmitter) (Electronic Filing Required).	601 & 159 601 & 159	70.00	CARR* CARM
f. Notice of Completion of Construction or Extension of Time to Construct (Per Application) (Electronic Filing Required).	601 & 159	70.00	CARM
g. Special Temporary Authority (Per Transmitter)	601 & 159	395.00	CLRM
h. Special Temporary Authority (Per Transmitter) (Electronic Filing).	601 & 159	395.00	CLRM
i. Combining Call Signs (Per Call Sign) (Electronic Filing Required).	601 & 159	395.00	CLRM
j. Auxiliary Test Station (Per Transmitter) (Electronic Filing Required).	601 & 159	395.00	CLRM
k. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	210.00	CGRM
l. Minor Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	70.00	CARM
19. Offshore Radio:			
a. New; Major Mod; Additional Facility; Major Amendment; Major Renew/Mod; Fill in Transmitters (Per Transmitter) (Electronic Filing Required).	601 & 159	210.00	CGF
b. Consolidate Call Signs (Per Call Sign); Auxiliary Test (Per Transmitter) (Electronic Filing Required).	601 & 159	395.00	CLF
c. Minor Modification; Minor Renewal/Modification (Per Transmitter); Notice of Completion of Construction or Extension of Time to Construct (Per Application); Renewal (Per Call Sign) (Electronic Filing Required).	601 & 159	70.00	CAF
d. Assignment of License; Transfer of Control (Full or Partial).	603 & 159	210.00	CGF
Spectrum Leasing	608 & 159	210.00	CGF
Additional Calls (Electronic Filing Required)	603 or 608 & 159	70.00	CAF
e. Special Temporary Authority (Per Transmitter)	601 & 159	395.00	CLF
f. Special Temporary Authority (Per Transmitter) (Electronic Filing).	601 & 159	395.00	CLF
g. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	210.00	CGF
h. Minor Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	70.00	CAF
20. Broadband Radio Service (Previously Multipoint Distribution Service):			
a. New station/Renewal/Modification (Electronic Filing Required).	601 & 159	305.00 (Per call sign)	CJM
b. Major Modification of Licenses (Electronic Filing Required).	601 & 159	305.00	CJM
c. Certification of Completion of Construction (Electronic Filing Required).	601 & 159	895.00 (Per call sign)	CPM
d. License Renewal (Electronic Filing Required)	601 & 159	305.00	CJM
e. Assignment of Authorization; Transfer of Control (first station) (Electronic Filing Required) Spectrum Leasing (first station) Additional Station.	603 & 159 608 & 159 608 & 159	110.00 110.00 70.00	CCM CCM CAM

Service	FCC Form No.	Fee amount	Payment type code
f. Extension of Construction Authorization (Electronic Filing Required).	601 & 159	255.00 (Per call sign)	CHM
g. Special Temporary Authority or Request for Waiver of Prior Construction Authorization (Electronic Filing).	601 & 159	140.00 (Per call sign)	CEM
h. Special Temporary Authority	601 & 159	140.00 (Per call sign)	CEM
i. Major Modification for Spectrum Leasing (Electronic Filing Required).	608 & 159	305.00 (Per Lease Id.)	CJM
j. Designated Entity Licensee Reportable Eligibility Event First Station on Application.	609–T & 159	110.00	CCM
k. Designated Entity Licensee Reportable Eligibility Event Each Additional Station.	609–T & 159	70.00	CAM
21. Communications Assistance for Law Enforcement (CALEA) Petitions.	Correspondence & 159	6,945.00	CALA

■ 3. Section 1.1103 is revised to read as follows:

§ 1.1103 Schedule of charges for equipment approval, experimental radio services (or service).

Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, OET Services, P.O. Box 979095, St. Louis, MO 63197–9000.

Service	FCC Form No.	Fee amount	Payment type code
Equipment Approval Service(s)			
1. Certification:			
a. Receivers (except TV and FM) (Electronic Filing Only)	731 & 159	$560.00	EEC
b. Devices Under Parts 11, 15 & 18 (except receivers) (Electronic Filing Only).	731 & 159	1,440.00	EGC
c. All Other Devices (Electronic Filing Only)	731 & 159	725.00	EFT
d. Modifications and Class II Permissive Changes (Electronic Filing Only).	731 & 159	70.00	EAC
e. Request for Confidentiality under Certification (Electronic Filing Only).	731 & 159	210.00	EBC
f. Class III Permissive Changes (Electronic Filing Only)	731 & 159	725.00	ECC
2. Advance Approval of Subscription TV Systems:	Corres & 159	4,415.00	EIS
a. Request for Confidentiality For Advance Approval of Subscription TV Systems.	Corres & 159	210.00	EBS
3. Assignment of Grantee Code:			
a. For all Application Types, except Subscription TV (Electronic Filing Only—Optional Electronic Payment).	Electronic Assignment & Form 159 or Optional Electronic Payment.	70.00	EAG
4. Experimental Radio Service(s):			
a. New Station Authorization	442 & 159	70.00	EAE
b. Modification of Authorization	442 & 159	70.00	EAE
c. Renewal of Station Authorization	405 & 159	70.00	EAE
d. Assignment of License or Transfer of Control	702 & 159	70.00	EAE
	or		
	703 & 159	70.00	EAE
e. Special Temporary Authority	Corres & 159	70.00	EAE
f. Additional fee required for any of the above applications that request withholding from public inspection.	Corres & 159	70.00	EAE

■ 4. Section 1.1104 is revised to read as follows:

§ 1.1104 Schedule of charges for applications and other filings for media services.

Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, Media Bureau Services, P.O. Box 979089, St. Louis, MO 63197–9000. The asterisk (*) indicates that multiple stations and multiple fee submissions are acceptable within the same post office box.

Service	FCC Form No.	Fee amount	Payment type code
1. Commercial TV Services			
a. New and Major Change Construction Permits (per application) (Electronic Filing).	301 & 159	$4,960.00	MVT

Service	FCC Form No.	Fee amount	Payment type code
b. Minor Change (per application) (Electronic Filing)	301 & 159	1,110.00	MPT
c. Main Studio Request	Corres & 159	1,110.00	MPT
d. New License (per application) (Electronic Filing)	302–TV & 159	335.00	MJT
	302–DTV & 159	335.00	MJT
e. License Renewal (per application) (Electronic Filing)	303–S & 159	200.00	MGT
f. License Assignment:			
(i) Long Form (Electronic Filing)	314 & 159	1,110.00	MPT *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDT *
g. Transfer of Control:			
(i) Long Form (Electronic Filing)	315 & 159	1,110.00	MPT *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDT *
h. Call Sign (Electronic Filing)	380 & 159	110.00	MBT
i. Special Temporary Authority	Corres & 159	200.00	MGT
j. Petition for Rulemaking for New Community of License (Electronic Filing).	301 & 159	3,065.00	MRT
	302–TV & 159	3,065.00	MRT
k. Ownership Report (Electronic Filing)	323 & 159	70.00	MAT *
	Corres &159	70.00	MAT *
2. Commercial AM Radio Stations:			
a. New or Major Change Construction Permit (Electronic Filing).	301 & 159	4,415.00	MUR
b. Minor Change (per application) (Electronic Filing)	301 & 159	1,110.00	MPR
c. Main Studio Request (per request)	Corres & 159	1,110.00	MPR
d. New License (per application) (Electronic Filing)	302–AM & 159	725.00	MMR
e. AM Directional Antenna (per application) (Electronic Filing).	302–AM & 159	835.00	MOR
f. AM Remote Control (per application) (Electronic Filing)	301 & 159	70.00	MAR
g. License Renewal (per application) (Electronic Filing)	303–S & 159	200.00	MGR
h. License Assignment:			
(i) Long Form (Electronic Filing)	314 & 159	1,110.00	MPR *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDR *
i. Transfer of Control:			
(i) Long Form (Electronic Filing)	315 & 159	1,110.00	MPR *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDR *
j. Call Sign (Electronic Filing)	380 & 159	110.00	MBR
k. Special Temporary Authority	Corres & 159	200.00	MGR
l. Ownership Report (Electronic Filing)	323 & 159 or	70.00	MAR
	Corres & 159	70.00	MAR
3. Commercial FM Radio Stations:			
a. New or Major Change Construction Permit (Electronic Filing).	301 & 159	3,975.00	MTR
b. Minor Change (Electronic Filing)	301 & 159	1,110.00	MPR
c. Main Studio Request (per request)	Corres & 159	1,110.00	MPR
d. New License (Electronic Filing)	302–FM & 159	225.00	MHR
e. FM Directional Antenna (Electronic Filing)	302–FM & 159	695.00	MLR
f. License Renewal (per application) (Electronic Filing)	303–S & 159	200.00	MGR
g. License Assignment:			
(i) Long Form (Electronic Filing)	314 & 159	1,110.00	MPR *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDR *
h. Transfer of Control:			
(i) Long Form (Electronic Filing)	315 & 159	1,110.00	MPR *
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDR *
i. Call Sign (Electronic Filing)	380 & 159	110.00	MBR
j. Special Temporary Authority	Corres & 159	200.00	MGR
k. Petition for Rulemaking for New Community of License or Higher Class Channel (Electronic Filing).	301 & 159 or	3,065.00	MRR
	302–FM & 159	3,065.00	MRR
l. Ownership Report (Electronic Filing)	323 & 159 or	70.00	MAR
	Corres & 159	70.00	MAR
4. FM Translators:			
a. New or Major Change Construction Permit (Electronic Filing).	349 & 159	835.00	MOF
b. New License (Electronic Filing)	350 & 159	170.00	MEF
c. License Renewal (Electronic Filing)	303–S & 159	70.00	MAF
d. Special Temporary Authority	Corres & 159	200.00	MGF
e. License Assignment (Electronic Filing)	345 & 159	160.00	MDF *
	314 & 159	160.00	MDF *
	316 & 159	160.00	MDF *
f. Transfer of Control (Electronic Filing)	345 & 159	160.00	MDF *
	315 & 159	160.00	MDF *
	316 & 159	160.00	MDF*
5. TV Translators and LPTV Stations:			
a. New or Major Change Construction Permit (per application) (Electronic Filing).	346 & 159	835.00	MOL
b. New License (per application) (Electronic Filing)	347 & 159	170.00	MEL

Service	FCC Form No.	Fee amount	Payment type code
c. License Renewal (Electronic Filing)	303–S & 159	70.00	MAL*
d. Special Temporary Authority	Corres & 159	200.00	MGL
e. License Assignment (Electronic Filing)	345 & 159	160.00	MDL*
	314 & 159	160.00	MDL*
	316 & 159	160.00	MDL*
f. Transfer of Control (Electronic Filing)	345 & 159	160.00	MDL*
	315 & 159	160.00	MDL*
	316 & 159	160.00	MDL*
g. Call Sign (Electronic Filing)	380 & 159	110.00	MBT
6. FM Booster Stations:			
a. New or Major Change Construction Permit (Electronic Filing).	349 & 159	835.00	MOF
b. New License (Electronic Filing)	350 & 159	170.00	MEF
c. Special Temporary Authority	Corres & 159	200.00	MGF
7. TV Booster Stations:			
a. New or Major Change (Electronic Filing)	346 & 159	835.00	MOF
b. New License (Electronic Filing)	347 & 159	170.00	MEF
c. Special Temporary Authority	Corres & 159	200.00	MGF
8. Class A TV Services:			
a. New and Major Change Construction Permits (per application) (Electronic Filing).	301–CA & 159	4,960.00	MVT
b. New License (per application) (Electronic Filing)	302–CA & 159	335.00	MJT
c. License Renewal (per application) (Electronic Filing)	303–S & 159	200.00	MGT
d. Special Temporary Authority	Corres & 159	200.00	MGT
e. License Assignment:			
(i) Long Form (Electronic Filing)	314 & 159	1,110.00	MPT*
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDT*
f. Transfer of Control:			
(i) Long Form (Electronic Filing)	315 & 159	1,110.00	MPT*
(ii) Short Form (Electronic Filing)	316 & 159	160.00	MDT*
g. Main Studio Request	Corres & 159	1,110.00	MPT
h. Call Sign (Electronic Filing)	380 & 159	110.00	MBT
9. Cable Television Services:			
a. CARS License	327 & 159	305.00	TIC
b. CARS Modifications	327 & 159	305.00	TIC
c. CARS License Renewal (Electronic Filing)	327 & 159	305.00	TIC
d. CARS License Assignment	327 & 159	305.00	TIC
e. CARS Transfer of Control	327 & 159	305.00	TIC
f. Special Temporary Authority	Corres & 159	200.00	TGC
g. Cable Special Relief Petition	Corres & 159	1,550.00	TQC
h. Cable Community Registration (Electronic Filing)	322 & 159	70.00	TAC
i. Aeronautical Frequency Usage Notifications (Electronic Filing).	321 & 159	70.00	TAC

■ 5. Section 1.1105 is revised to read as follows:

§ 1.1105 Schedule of charges for applications and other filings for the wireline competition services.

Payments should be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Manual filings and/or payments for these services are no longer accepted.

Service	FCC Form No.	Fee amount	Payment type code
1. Domestic 214 Applications	Corres & 159	$1,195.00	CDT
2. Tariff Filings:			
a. Filing Fees (per transmittal or cover letter)	Corres & 159	960.00	CQK
b. Application for Special Permission Filing (request for waiver of any rule in Part 61 of the Commission's Rules) (per request).	Corres & 159	960.00	CQK
c. Waiver of Part 69 Tariff Rules (per request)	Corres & 159	960.00	CQK
3. Accounting:			
a. Review of Depreciation Update Study (single state)	Corres & 159	40,465.00	BKA
(i) Each Additional State	Corres & 159	1,335.00	CVA
b. Petition for Waiver (per petition).			
(i) Waiver of Part 69 Accounting Rules & Part 32 Accounting Rules, Part 43 Reporting Requirements, Part 64 Allocation of Costs Rules, Part 65 Rate of Return & Rate Base Rules.	Corres & 159	9,120.00	BEA
(ii) Part 36 Separation Rules	Corres & 159	9,120.00	BEB

■ 6. Section 1.1106 is revised to read as follows:

§ 1.1106 Schedule of charges for applications and other filings for the enforcement services.

Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, Enforcement Bureau, P.O. Box 979094, St. Louis, MO 63197–9000 with the exception of Accounting and Audits, which will be invoiced. Carriers should follow invoice instructions when making payment.

Service	FCC Form No.	Fee amount	Payment type code
1. Formal Complaints	Corres & 159	$235.00	CIZ
2. Accounting and Audits:			
a. Field Audit	Carriers will be invoiced for the amount due.	121,845.00	BMA
b. Review of Attest Audit	Carriers will be invoiced for the amount due.	66,510.00	BLA
3. Development and Review of Agreed upon—Procedures Engagement:	Corres & 159	66,510.00	BLA
4. Pole Attachment Complaint	Corres & 159	295.00	TPC

■ 7. Section 1.1107 is revised to read as follows:

§ 1.1107 Schedule of charges for applications and other filings for the international services.

Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, International Bureau Applications, P.O. Box 979093, St. Louis, MO 63197–9000.

Service	FCC Form No.	Fee amount	Payment type code
1. International Fixed Public Radio (Public & Control Stations).			
a. Initial Construction Permit (per station)	407 & 159	$1,000.00	CSN
b. Assignment or Transfer (per Application)	702 & 159 or	1,000.00	CSN
	704 & 159	1,000.00	CSN
c. Renewal (per license)	405 & 159	725.00	CON
d. Modification (per station)	403 & 159	725.00	CON
e. Extension of Construction Authorization (per station)	701 & 159	365.00	CKN
f. Special Temporary Authority or request for Waiver (per request).	Corres & 159	365.00	CKN
2. Section 214 Applications:			
a. Overseas Cable Construction	Corres & 159	17,850.00	BIT
b. Cable Landing License:			
(i) Common Carrier	Corres & 159	2,005.00	CXT
(ii) Non-Common Carrier	Corres & 159	19,855.00	BJT
c. All other International 214 Applications	Corres & 159	1,195.00	CUT
d. Special Temporary Authority (all services)	Corres & 159	1,195.00	CUT
e. Assignments or transfers (all services)	Corres & 159	1,195.00	CUT
3. Fixed Satellite Transmit/Receive Earth Stations:			
a. Initial Application (per station)	312 Main & Schedule B & 159	2,985.00	BAX
b. Modification of License (per station)	312 Main & Schedule B & 159	210.00	CGX
c. Assignment or Transfer:			
(i) First station	312 Main & Schedule A & 159	590.00	CNX
(ii) Each Additional Station	Attachment to 312-Schedule A	200.00	CFX
d. Renewal of License (per station)	312–R & 159	210.00	CGX
e. Special Temporary Authority (per request)	312 Main & 159	210.00	CGX
f. Amendment of Pending Application (per station)	312 Main & Schedule B & 159	210.00	CGX
g. Extension of Construction Permit (modification) (per station).	312 Main & 159	210.00	CGX
4. Fixed Satellite transmit/receive Earth Stations (2 meters or less operating in the 4/6 GHz frequency band):			
a. Lead Application	312 Main & Schedule B & 159	6,615.00	BDS
b. Routine Application (per station)	312 Main & Schedule B & 159	70.00	CAS
c. Modification of License (per station)	312 Main & Schedule B & 159	210.00	CGS
d. Assignment or Transfer:			
(i) First Station	312 Main & Schedule A & 159	590.00	CNS
(ii) Each Additional Station	Attachment to 312-Schedule A	70.00	CAS
e. Renewal of License (per station)	312–R & 159	210.00	CGS
f. Special Temporary Authority (per request)	312 Main & 159	210.00	CGS
g. Amendment of Pending Application (per station)	312 Main & Schedule A or B & 159.	210.00	CGS
h. Extension of Construction Permit (modification) (per station).	312 & 159	210.00	CGS

Service	FCC Form No.	Fee amount	Payment type code
5. Receive Only Earth Stations:			
a. Initial Applications for Registration or License (per station).	312 Main & Schedule B & 159	450.00	CMO
b. Modification of License or Registration (per station)	312 Main & Schedule B & 159	210.00	CGO
c. Assignment or Transfer:			
(i) First Station	312 Main & Schedule A & 159	590.00	CNO
(ii) Each Additional Station	Attachment to 312-Schedule A	200.00	CFO
d. Renewal of License (per station)	312–R & 159	210.00	CGO
e. Amendment of Pending Application (per station)	312 Main & Schedule A or B & 159.	210.00	CGO
f. Extension of Construction Permit (modification) (per station).	312 Main & 159	210.00	CGO
g. Waivers (per request)	Corres & 159	210.00	CGO
6. Fixed Satellite Very Small Aperture Terminal (VSAT) Systems:			
a. Initial Application (per station)	312 Main & Schedule B & 159	11,015.00	BGV
b. Modification of License (per system)	312 Main & Schedule B & 159	210.00	CGV
c. Assignment or Transfer of System	312 Main & Schedule A & 159	2,945.00	CZV
d. Renewal of License (per system)	312–R & 159	210.00	CGV
e. Special Temporary Authority (per request)	312 & 159	210.00	CGV
f. Amendment of Pending Application (per system)	312 Main & Schedule A or B & 159.	210.00	CGV
g. Extension of Construction Permit (modification) (per system).	312 & 159	210.00	CGV
7. Mobile Satellite Earth Stations:			
a. Initial Applications of Blanket Authorization	312 Main & Schedule B & 159	11,015.00	BGB
b. Initial Application for Individual Earth Station	312 Main & Schedule B & 159	2,645.00	CYB
c. Modification of License (per system)	312 Main & Schedule B & 159	210.00	CGB
d. Assignment or Transfer (per system)	312 Main & Schedule A & 159	2,945.00	CZB
e. Renewal of License (per system)	312–R & 159	210.00	CGB
f. Special Temporary Authority (per request)	312 & 159	210.00	CGB
g. Amendment of Pending Application (per system)	312 Main & Schedule B & 159	210.00	CGB
h. Extension of Construction Permit (modification) (per system).	312 & 159	210.00	CGB
8. Space Stations (Geostationary):			
a. Application for Authority to Launch & Operate (per satellite):			
(i) Initial Application	312 Main & Schedule S & 159	136,930.00	BNY
(ii) Replacement Satellite	312 Main & Schedule S & 159	136,930.00	BNY
b. Assignment or Transfer (per satellite)	312 Main & Schedule A & 159	9,785.00	BFY
c. Modification (per satellite)	312 Main & Schedule S (if needed) & 159.	9,785.00	BFY
d. Special Temporary Authority (per satellite)	312 & 159	980.00	CRY
e. Amendment of Pending Application (per satellite)	312 Main & Schedule S (if needed) & 159.	1,960.00	CWY
f. Extension of Launch Authority (per satellite)	312 Main & Corres & 159	980.00	CRY
9. Space Stations (NGSO):			
a. Application for Authority to Launch & Operate (per system of technically identical satellites) satellites).	312 Main & Schedule S & 159	471,575.00	CLW
b. Assignment or Transfer (per system)	312 Main & Schedule A & 159	13,480.00	CZW
c. Modification (per system)	312 Main & Schedule S (if needed) & 159.	33,685.00	CGW
d. Special Temporary Authority (per request)	Corres & 159	3,375.00	CXW
e. Amendment of Pending Application (per request)	312 Main & Schedule S & 159	6,740.00	CAW
f. Extension of Launch Authority (per system)	312 Main & 159	3,375.00	CXW
10. Direct Broadcast Satellites:			
a. Authorization to Construct or Major Modification (per satellite).	312 Main & Schedule S & 159	3,975.00	MTD
b. Construction Permit and Launch Authority (per satellite)	312 Main & Schedule S & 159	38,555.00	MXD
c. License to Operate (per satellite)	312 Main & Schedule S & 159	1,110.00	MPD
d. Special Temporary Authority (per satellite)	312 Main & 159	200.00	MGD
11. International Broadcast Stations:			
a. New Station & Facilities Change Construction Permit (per application).	309 & 159	3,340.00	MSN
b. New License (per application)	310 & 159	755.00	MNN
c. License Renewal (per application)	311 & 159	190.00	MFN
d. License Assignment or Transfer of Control (per station license).	314 & 159 or	120.00	MCN
	315 & 159 or	120.00	MCN
	316 & 159	120.00	MCN
e. Frequency Assignment & Coordination (per frequency hour).	Corres & 159	70.00	MAN
f. Special Temporary Authorization (per application)	Corres & 159	200.00	MGN

Service	FCC Form No.	Fee amount	Payment type code
12. Permit to Deliver Programs to Foreign Broadcast Stations (per application):			
a. Commercial Television Stations	308 & 159	110.00	MBT
b. Commercial AM or FM Radio Stations	308 & 159	110.00	MBR
13. Recognized Operating Agency (per application)	Corres & 159	1,195.00	CUG

■ 8. Section 1.1108 is revised to read as follows:

§ 1.1108 Schedule of charges for applications and other filings for the international telecommunication services.

Payment can be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Remit manual filings and/or payments for these services to: Federal Communications Commission, International Telecommunication Fees, P.O. Box 979096, St. Louis, MO 63197–9000.

Service	FCC Form No.	Fee amount	Payment type code
1. Administrative Fee for Collections (per line item)	99 & 99A	$2.00	IAT
2. Telecommunication Charges	99 & 99A		ITTS

■ 9. Section 1.1109 is revised to read as follows:

§ 1.1109 Schedule of charges for applications and other filings for the Homeland services.

Payments should be made electronically using the Commission's electronic filing and payment system ''Fee Filer'' (*www.fcc.gov/feefiler*). Manual filings and/or payments for these services are no longer accepted.

Service	FCC Form No.	Fee amount	Payment type code
1. Communication Assistance for Law Enforcement (CALEA) Petitions.	Corres & 159	$6,945.00	CLEA

[FR Doc. 2018–16039 Filed 8–2–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

47 CFR Part 400

[Docket No. 170420407–8048–02]

RIN 0660–AA33; RIN 2127–AL86

911 Grant Program

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce (DOC); and National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action revises the implementing regulations for the 911 Grant Program, as a result of the enactment of the Next Generation 911 (NG911) Advancement Act of 2012. The 911 Grant Program provides grants to improve 911 services, E–911 services, and NG911 services and applications.

DATES: This final rule becomes effective on August 3, 2018.

FOR FURTHER INFORMATION CONTACT:

For program issues: Daniel Phythyon, Telecommunications Policy Specialist, Office of Public Safety Communications, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4076, Washington, DC 20230; telephone: (202) 482–5802; email: *DPhythyon@ntia.doc.gov;* or

Laurie Flaherty, Coordinator, National 911 Program, Office of Emergency Medical Services, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, NPD–400, Washington, DC 20590; telephone: (202) 366–2705; email: *Laurie.Flaherty@dot.gov.*

For legal issues: Michael Vasquez, Attorney-Advisor, Office of the Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4713, Washington, DC 20230; telephone: (202) 482–1816; email: *MVasquez@ntia.doc.gov;* or

Megan Brown, Attorney-Advisor, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, NCC–300, Washington, DC 20590; telephone: (202) 366–1834; email: *Megan.Brown@dot.gov.*

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I. Background

In 2009, NTIA and NHTSA issued regulations implementing the E–911 Grant Program enacted in the Ensuring Needed Help Arrives Near Callers Employing 911 (ENHANCE 911) Act of 2004 (Pub. L. 108–494, codified at 47 U.S.C. 942) (74 FR 26965, June 5, 2009). Accordingly, in 2009, NTIA and NHTSA made more than $40 million in grants available to 30 States and Territories to help 911 call centers nationwide upgrade equipment and operations through the E–911 Grant Program.

In 2012, the NG911 Advancement Act of 2012 (Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, Title VI, Subtitle E (codified at 47 U.S.C. 942)) enacted changes to the program. The NG911 Advancement Act provides new funding for grants to be used for the implementation and operation of 911 services, E–911 services, migration to an IP-enabled emergency network, and adoption and operation of NG911 services and applications; the implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services. In 2016, about $115 million from spectrum auction proceeds were deposited into the Public Safety Trust Fund and made available to NTIA and NHTSA for the 911 Grant Program.[1] On September 21, 2017, the Agencies published a Notice of Proposed Rulemaking (NPRM) seeking public comment on proposed regulations for the 911 Grant Program.[2]

For more than 40 years, local and state 911 call centers, also known as Public Safety Answering Points (PSAPs), have served the public in emergencies. PSAPs receive incoming 911 calls from the public and dispatch the appropriate emergency responders, such as police, fire, and emergency medical services, to the scene of emergencies. The purpose of the 911 Grant Program is to provide federal funding to support the transition of PSAPs and their interconnecting 911 network and core services, to facilitate migration to an IP-enabled emergency network, and adoption and operation of NG911 services and applications.

There are approximately 6,000 PSAPs nationwide that are responsible for answering and processing 911 calls requiring a response from police, fire, and emergency medical services agencies.[3] PSAPs collectively handle more than an estimated 240 million 911 calls each year.[4] About 70 percent of all 911 calls annually are placed from wireless phones.[5] Besides the public, PSAPs communicate with third-party call centers, other PSAPs, emergency service providers (*e.g.,* dispatch agencies, first responders, and other public safety entities), and State emergency operations centers.[6] Most PSAPs rely on decades-old, narrowband, circuit-switched networks capable of carrying only voice calls and very limited amounts of data.[7] Advances in consumer technology offering capabilities such as text messaging and video communications have quickly outpaced those of PSAPs, which often cannot support callers who wish to send text messages, images, video, and other communications that utilize large amounts of data (*e.g.,* telematics, sensor information).[8]

While there are still an estimated 50 counties that are using ''Basic'' 911 infrastructure, the majority of State and local jurisdictions have completed the process of updating their 911 network's infrastructure since the ENHANCE 911 Act was passed in 2004.[9] As of January 2017, data collected by the National Emergency Number Association (NENA) show that 98.6 percent of PSAPs are capable of receiving Phase II E–911[10] calls, providing E–911 service to 98.6 percent of the U.S. population and 96.5 percent of our country's counties.[11] With the transition to E–911 essentially completed, State and local jurisdictions are now focused on migrating to NG911 infrastructure.

NG911 is an initiative to modernize today's 911 services so that citizens, first responders, and 911 call-takers can use IP-based, broadband-enabled technologies to coordinate emergency responses.[12] Using multiple formats, such as voice, text messages, photos, and video, NG911 enables 911 calls to contain real-time caller location and emergency information, improve coordination among the nation's PSAPs, dynamically re-route calls based on location and PSAP congestion, and connect first responders to key health and government services in the event of an emergency.[13]

Data collected by the National 911 Profile Database in 2016 show that 20 of the 46 States submitting data have adopted a statewide NG911 plan, 17 of 46 States are installing and testing basic components of the NG911 infrastructure, 10 of 45 States have 100 percent of their PSAPs connected to an Emergency Services IP Network, and 9 of 45 States are using NG911 infrastructure to receive and process 911 voice calls.[14] These data suggest that most State and local jurisdictions have already invested in and completed implementation of both basic 911 services and E–911 services and are focused on migration to NG911. The 911 Grant Program now seeks to provide financial support for investment in the forward-looking technology of NG911 as

[1] The Public Safety Trust Fund (TAS 13–12/22–8233) is an account established in the Treasury and managed by NTIA. From this account, NTIA makes available funds for a number of public safety related programs, including the 911 Grant Program. *See* 47 U.S.C. 1457(b)(6).

[2] *See* NTIA and NHTSA, 911 Grant Program, Notice of Proposed Rulemaking, 82 FR 44131 (Sept. 21, 2017), *available at https://www.gpo.gov/fdsys/pkg/FR-2017-09-21/pdf/2017-19944.pdf* (NPRM).

[3] Federal Communications Commission (FCC), Final Report of the Task Force on Optimal PSAP Architecture (TFOPA) at 15 (Jan. 29, 2016), *available at https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_FINALReport_012916.pdf* (TFOPA Final Report). The National Emergency Number Association (NENA) estimates that there are 5,874 primary and secondary PSAPs as of January 2017. NENA 9–1–1 Statistics, *available at http://www.nena.org/?page=911Statistics.*

[4] TFOPA Final Report at 15. *See also,* NENA 9–1–1 Statistics.

[5] *Id.*

[6] TFOPA Final Report at 15.

[7] *Id.*

[8] *Id.*

[9] NENA 9–1–1 Statistics.

[10] *See* 47 CFR 20.18(e), (h) (defining Phase II enhanced 911 service).

[11] NENA 9–1–1 Statistics.

[12] National 911 Program, Next Generation 911 for Leaders in Law Enforcement Educational Supplement at 3 (2013), *available at https://www.911.gov/pdf/National_911_Program_NG911_Publication_Leaders_Law_Enforcement_2013.pdf.*

[13] *Id.* at 4–5.

[14] National 911 Program, 2016 National 911 Progress Report at 3, 85, 89 (Dec. 2016), *available at https://www.911.gov/pdf/National_911_Program_Profile_Database_Progress_Report_2016.pdf.*

contemplated by the NG911 Advancement Act.

II. Statutory Requirements

The Agencies' action implements modifications to the E–911 Grant Program as required by the NG911 Advancement Act of 2012 (Pub. L. 112–96, Title VI, Subtitle E, codified at 47 U.S.C. 942). The NG911 Advancement Act modifies the 911 Grant Program to incorporate NG911 services while preserving the basic structure of the program, which provided matching grants to eligible State and local governments and Tribal Organizations for the implementation and operation of Phase II services, E–911 services, or migration to an IP-enabled emergency network.

The NG911 Advancement Act, however, broadens the eligible uses of funds from the 911 Grant Program to include: Adoption and operation of NG911 services and applications; the implementation of IP-enabled emergency services and applications enabled by NG911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services. The NG911 Advancement Act also increases the maximum Federal share of the cost of a project eligible for a grant from 50 percent to 60 percent.

States or other taxing jurisdictions that have diverted fees collected for 911 services remain ineligible for grants under the program and a State or jurisdiction that diverts fees during the term of the grant must repay all grant funds awarded. The NG911 Advancement Act further clarifies that prohibited diversion of 911 fees includes elimination of fees as well as redesignation of fees for purposes other than implementation or operation of 911 services, E–911 services, or NG911 services during the term of the grant.

III. Comments

The Agencies received submissions from 21 commenters in response to the NPRM. Commenters included the following five State and local agencies: The City of Chicago Office of Emergency Management and Communications (Chicago OEMC); the Colorado Public Utilities Commission (CO PUC); the District of Columbia Office of Unified Communications (DC OUC); the Missouri Department of Public Safety (MO DPS); and the Texas Commission on State Emergency Communications (TX CSEC). Four associations and consortiums provided comments: the Association of Public-Safety Communications Officials—International, Inc. (APCO); the National Association of State 911 Administrators (NASNA); the National Emergency Number Association, Inc. (NENA); and the National States Geographic Information Council (NSGIC). There were two corporate commenters: Carbyne Public Safety Systems (Carbyne) and Motorola Solutions, Inc. (Motorola). Ten individual commenters also provided comments: Annabel Cortez; Daniel Ramirez; John Sage; Jonathan Brock; Lara Wood; Lisa Ondatje; S. Bennett; and three anonymous commenters. Of these comments, three were out of the scope of this rulemaking.[15]

A. General Comments

NASNA expressed general agreement with the Agencies' proposal to retain the E911 Grant Program regulations as the basic framework for the 911 Grant Program.[16] We address NASNA's specific recommendations in the sections below.

APCO recommended consistent use of ''the National 911 program office'' for purposes of administering the grant program in order to provide simplicity and avoid confusion.[17] The regulatory text contains references to the ICO, the Administrator and Assistant Secretary (jointly), the Agencies, and to NHTSA. After reviewing these references, the Agencies have determined that, with the exception of one reference, these designations are appropriate to the roles fulfilled in each case. As a result, the Agencies have changed the reference to ''Agencies'' in 47 CFR 400.6(a)(2) to ''ICO.''

Three commenters, Lisa Ondatje, Annabel Cortez, and S. Bennett, expressed general support for the importance of implementing NG911 technologies.[18] Annabel Cortez further stressed that ''[s]tatistics of 911 services are key to accurately measuring current status and implementation across the United States.''[19]

Four commenters discussed interoperability as a primary goal of the 911 Grant Program.[20] APCO commented that the standards listed in the SAFECOM Guidance are ''very broad, in some cases incomplete, and unlikely to ensure interoperability, at least without costly after-the-fact integrations.''[21] APCO recommended that the Agencies add a definition for ''interoperable'' and explicitly require that applicants' State 911 plans commit to ensuring that solutions meet clear interoperability requirements.[22] Specifically, APCO suggested that the Agencies replace the word ''interconnect'' in 47 CFR 400.4(a)(1)(i)(B) with the term ''interoperable.''[23] The proposed regulatory language in Section 400.4(a)(1)(i)(B) is a direct quote from the statute.[24] While the Agencies agree that interoperability is an important goal in the implementation of an NG911 system, the Agencies believe that the statutory term ''interconnect'' sufficiently covers the goal of interoperability, and make no change to the regulation in response to this comment.

B. Definitions (400.2)

The DC OUC suggested that the agencies add a definition for ''District'' or ''territories.''[25] The statutory definition for ''State,'' which the agencies have incorporated into the regulation in its entirety, includes the District of Columbia and all U.S. territories,[26] therefore the agencies decline to make this change.

Two commenters requested changes to the definition for ''Next Generation 911 services.'' NASNA noted that some of the capabilities listed in the definition for Next Generation 911 services do not currently exist, and suggested that the definition be modified to clarify this.[27] APCO requested clarification that NG911 services encompass the ''operational

[15] An anonymous commenter commented broadly on EPA grants. Jonathan Brock and the Missouri Department of Public Safety both commented to encourage inter-agency sharing of dark fiber resources at the State level. However, the 911 Grant Program is an implementation grant and does not opine on the technologies used by grantees to implement NG911.

[16] NASNA at 1, *https://www.regulations.gov/document?D=NTIA-2017-0002-0016.*

[17] APCO at 5, *https://www.regulations.gov/document?D=NTIA-2017-0002-0010.*

[18] *See generally,* Lisa Ondatje, *https://www.regulations.gov/document?D=NTIA-2017-0002-0007;* Annabel Cortez, *https://www.regulations.gov/document?D=NHTSA-2017-0088-0004;* S. Bennett, *https://www.regulations.gov/document?D=NTIA-2017-0002-0003.*

[19] Cortez.

[20] *See* APCO at 1–3; Carbyne, *https://www.regulations.gov/document?D=NHTSA-2017-0088-0008;* NENA at 2 (late-filed), *https://www.regulations.gov/document?D=NTIA-2017-0002-0017;* NSGIC at 1, *https://www.regulations.gov/document?D=NTIA-2017-0002-0009.*

[21] APCO at 2.

[22] *Id.* at 3.

[23] *Id.*

[24] *See* 47 U.S.C. 942(b)(1)(B).

[25] DC OUC, *https://www.regulations.gov/document?D=NTIA-2017-0002-0005.*

[26] *See* 47 U.S.C. 942(e)(8).

[27] NASNA at 1.

goal whereby information sent to PSAPs can be received, processed, and acted upon.'' [28] The agencies decline to make the requested changes because the regulatory definition incorporates the statutory definition.[29] However, in the eligible uses section of the NPRM, the agencies specifically stated that grant recipients may choose to purchase or contract for services that provide the ''hardware and software that perform the necessary functions enabling NG911 calls to be received, processed and dispatched.'' [30] We reaffirm that here.

C. Who May Apply (400.3)

1. Tribal Organizations

Daniel Ramirez, NASNA, NENA, and an anonymous commenter all expressed general support for the Agencies' proposal to allow Tribal Organizations to apply directly for 911 Grant Program funding, noting that the prior regulations only allowed Tribal Organizations to receive grant funding through States and thus did not adequately support tribes.[31] The anonymous commenter further noted that Tribal Organizations may have difficulty meeting program requirements, but did not specify which requirements.

The CO PUC cautioned the Agencies not to create a ''one-size fits all'' approach for Tribal Organization applications and participation because Tribal Organizations vary widely in ''size, resources, and the current sophistication of their 9–1–1 systems.'' [32] The CO PUC further noted that the ability of Tribal Organizations to meet the non-diversion, 911 Coordinator, or match requirements would likely vary by Tribal Organization.[33] The Agencies agree that the needs and capacities of Tribal Organizations may vary widely. The Agencies believe that providing Tribal Organizations the option to apply for grant funding either directly or through States accommodates this diversity.

The CO PUC cautioned that if Tribal Organizations are allowed to obtain grant funding both directly and through States, it could lead to waste or duplication of efforts.[34] The CO PUC recommended that the Agencies require Tribal Organizations to determine whether to apply individually or to be included in a State's application.[35] Similarly, NASNA recommended that the Agencies require any applicant Tribal Organizations to inform the relevant State 911 Coordinator of their application in order to avoid duplication of efforts.[36] As in the prior iteration of the program, each State applicant must coordinate its application with local governments, Tribal Organizations, and PSAPs within the State.[37] In the course of this coordination—and prior to including a Tribal Organization in its application project budget—the State should determine whether a Tribal Organization within its jurisdiction intends to apply directly for grant funding. An applicant Tribal Organization must certify non-diversion by the State(s) in which it is located; to do so, a Tribal Organization should contact the State(s) in which it is located.[38] The Agencies believe that the existing coordination inherent in the application process ensures that a State will not unknowingly account for a Tribal Organization in its grant application if that Tribal Organization has applied independently, and therefore, we do not believe any changes to the regulation are required.

The Agencies specifically asked commenters whether tribal PSAPs collect 911 surcharge fees and/or receive State-provided 911 surcharge funds. The CO PUC responded that 911 surcharges are collected by local 911 governing bodies in Colorado and that one tribe, the Southern Ute Tribe, receives funding from the Emergency Telephone Service Authority of La Plata County. However, the CO PUC stated that it does not have reason to believe that the Southern Ute Tribe will have trouble certifying that it does not divert 911 surcharge fees.[39]

2. Local Applicants

The Chicago OEMC suggested that cities with large 911 systems be allowed to apply directly for grants due to ''the expansive scope of their operations as well as their specialized requirements.'' [40] While the Agencies understand this concern, the Agencies continue to believe that limiting the applicant pool to States and Tribal Organizations is necessary in order to minimize administrative costs and to streamline the grant process. However, as in the prior iteration of the program, each applicant State is required to coordinate its application with local governments and PSAPs within the State and to ensure that 90 percent of the grant funds be used for the direct benefit of PSAPs.

D. Application Requirements (400.4)

1. One- Versus Two-Step Application Process

The Agencies sought comment on whether to retain the one-step application process from the prior E911 Grant Program, or whether to use a proposed two-step application process. Two commenters, Motorola and the MO DPS, requested that the Agencies retain the one-step application process from the prior E911 Grant Program.[41] Motorola explained that the one-step application would expedite the grant process and avoid confusion amongst applicants, and argued that the proposed two-step application process is burdensome by requiring 911 authorities to meet two deadlines.[42] Four commenters—the CO PUC, NASNA, the TX CSEC, and an anonymous commenter—supported a two-step application process as proposed by the Agencies.[43] Based on the comments received, including the more detailed comments described below, the Agencies have determined that a two-step application will provide applicants with the most stable initial funding levels upon which they can prepare project budgets and will ensure the most efficient application process.

NASNA expressed support for a two-step process, while noting several issues that may still arise under that process.[44] NASNA noted that, for example, applicants may make the initial certifications, but later find they are unable to meet the match requirement or certify non-diversion of funds.[45] Nonetheless, NASNA stated that ''there is practical value to states in knowing exactly how much funding they can apply for.'' [46]

The CO PUC noted that the two-step application process would be more efficient because it would not require applicants to submit a supplemental project budget after submitting their

[28] APCO at 2.

[29] *See* 47 U.S.C. 942(e)(5).

[30] NPRM, 82 FR 44131, 44135.

[31] Daniel Ramirez, *https://www.regulations.gov/document?D=NHTSA-2017-0088-0006;* NASNA at 1–2; NENA at 1; Anonymous Comment One, *https://www.regulations.gov/document?D=NHTSA-2017-0088-0002.*

[32] CO PUC at 2, *https://www.regulations.gov/document?D=NTIA-2017-0002-0012.*

[33] *Id.* at 1–2.

[34] *Id.* at 1.

[35] *Id.*

[36] NASNA at 1–2.

[37] 47 CFR 400.4(a)(1)(iii)(A).

[38] *Id.* at § 400.4(b)(5).

[39] CO PUC at 2.

[40] Chicago OEMC, *https://www.regulations.gov/document?D=NTIA-2017-0002-0013.*

[41] *See* Motorola at 4–5, *https://www.regulations.gov/document?D=NTIA-2017-0002-0015;* MO DPS, *https://www.regulations.gov/document?D=NTIA-2017-0002-0014.*

[42] *See* Motorola at 4–5.

[43] *See* CO PUC at 3; NASNA at 2; TX CSEC at 2, *https://www.regulations.gov/document?D=NTIA-2017-0002-0011;* Anonymous Comment One.

[44] NASNA at 2.

[45] *Id.*

[46] *Id.*

original applications.[47] The Agencies do note, however, that although a supplemental budget is no longer required, applicants are still advised to submit a supplemental budget in the second step of the application process for use if additional funds become available at any point in the grant program.

The TX CSEC requested confirmation on some aspects of the two-step application process.[48] The TX CSEC asked whether an applicant that does not submit the certifications by the initial application deadline would be precluded from further participation in the grant program.[49] It further asked whether, in the event a State did not submit the initial certifications, ''the portion of 911 grant funds that would otherwise be allocated to it by formula would be included in the preliminary funding allocations for certifying Applicants?'' [50] In order to participate in the grant program, an applicant must submit the initial certifications by the initial application deadline. Failure to do so will remove that State from the funding pool; the preliminary funding levels will be calculated only for those applicants that submitted initial certifications. Finally, TX CSEC sought confirmation that the option to submit a supplemental project budget is meant to ''to account for the possibility that, notwithstanding having submitted an acceptable initial certification, an Applicant may (a) ultimately not submit an application, (b) may submit an application with a budget less than its preliminary funding amount; (c) not be able to use all of its preliminary funding during the grant period, or (d) have to return a portion of grant funds as a result of being unable to provide a complete annual certification regarding or a previous certification was deemed inaccurate.'' [51] The Agencies confirm this statement.

The anonymous commenter recommended that the two-step process ''should be implemented and run for a trial period,'' and that the Agencies make modifications or return to the one-step process if the trial does not work.[52] The funds made available from the Public Safety Trust Fund for the 911 Grant Program are available for obligation only until September 30, 2022. The Agencies do not believe that there is sufficient time before that date to undertake a second rulemaking to change the application process.

2. Other Application Issues

The DC OUC requested that the required State 911 Plan be ''defined well,'' noting that although DC has an NG911 Plan, it does not have a State 911 Plan because DC only has a single PSAP.[53] Without specific concerns from commenters, the Agencies do not believe it is necessary to clarify those requirements further because the application requirements laid out in Section 400.4 provide a detailed description of the required components of a State 911 Plan. The Agencies note that in instances like that of DC where there is a single PSAP in an applicant's jurisdiction, it is not necessary to include multiple PSAPs in the State 911 Plan as described in the regulation.

The MO DPS stated that ''the requirement to give priority to communities without 911 from the current E–911 Grant Program should not be eliminated.'' [54] The ENHANCE 911 Act, as amended by Public Law 110–53,[55] directed the Agencies to allow a portion of the E–911 grant funds to be used to give this priority to PSAPs that could not receive 911 calls. The NG911 Advancement Act, however, eliminated that requirement and the Agencies do the same in this regulation.

The TX CSEC commented that the certification requirement ''obligates each designated State 911 Coordinator (the Coordinator) to certify as to the non-diversion of designated 911 charges for all grant recipients,'' including ''taxing jurisdictions and grant recipients over whom the Coordinator may have no direct authority.'' [56] TX CSEC proposed modifications to Section 400.4(a)(5) and Appendices A and C in order ''to allow the State 9–1–1 Coordinator to receive and submit certifications directly from each taxing jurisdiction that will be a grant recipient,'' so that the 911 Coordinator could ''pass-through the certifications of [these] taxing jurisdictions.'' [57] Applicants, through their 911 Coordinator, must certify that neither the State (or Tribal Organization) nor any taxing jurisdiction that directly receives grant funds has diverted or will divert designated 911 charges. The Agencies understand that applicants may not have authority over every taxing jurisdiction which receives grant funds. However, the statutory language and certification requirements are clear that each applicant must sign the certification. Applicants may, if they wish, solicit certifications from grant subrecipients as an internal matter, but the certification submitted to the Agencies must be signed by the 911 Coordinator. The Agencies, therefore, make no modifications to the regulatory language.

APCO recommended that the Agencies allow applicants ''that have already expended non-federal funds toward NG911 deployments to count such expenses as in-kind contributions'' to satisfy the grant program's 40 percent non-Federal match requirement.[58] To allow applicants to match grant funds based on previous investments in 911 would be contrary to the statutory intent. The NG911 Advancement Act mandates a 60 percent Federal share at the project level.[59] The Agencies refer all applicants to 2 CFR 200.306 for more details on what is allowable to meet the match requirement.

E. Approval and Award (400.5)

Lara Wood commented that 47 CFR 400.5(c) states that the agencies will announce awards by September 30, 2009, and suggested that the date should read September 30, 2019.[60] September 30, 2009, is the date that appeared in the previously published E–911 Grant Program regulations. The new regulatory language does not include a specific award announcement date. Instead, the Agencies intend to provide the expected award date in the Notice of Funding Opportunity.

F. Distribution of Grant Funds (400.6)

1. Formula

The Agencies requested comment on whether the existing grant distribution formula factors—population and public road mileage—remain appropriate, and if not, what factors they should consider. The Agencies sought specific comment on how to account for remote and rural areas.

APCO commented that the Agencies' proposal to apportion ''available grant funds across all of the states and tribal organizations, to serve 911, Enhanced 911 (E911), and NG911 purposes'' would lead to only marginal enhancements in any given area.[61] Instead, APCO suggested that the Agencies give grants for ''model NG911

[47] CO PUC at 3.

[48] TX CSEC at 2–3.

[49] *Id.*

[50] *Id.* at 2.

[51] *Id.* at 2–3.

[52] *See* Anonymous Comment One.

[53] *See* DC OUC.

[54] MO DPS.

[55] Title XXIII, section 2303, Aug. 3, 2007.

[56] TX CSEC at 3.

[57] *Id.* at 3–4.

[58] APCO at 4.

[59] 47 U.S.C. 942(b)(2).

[60] *See* Lara Wood, *https://www.regulations.gov/document?D=NTIA-2017-0002-0004.*

[61] APCO at 1.

deployments for a few areas.'' [62] While the Agencies understand APCO's concerns, the Agencies continue to believe that a formula-based distribution of grant funds to all eligible States is necessary to assist in the implementation of NG911 nationwide, not just in specific locations. The Agencies have set a minimum grant amount in order to ensure that each eligible State and Territory receives a more than de minimis amount of grant funds.

Several commenters—identified in more detail below—recommended additional or substitute factors to use in the funding allocation, including call volume, land area, tourism rates, terrain, cost of needed technological advancements, usage data of call centers, wealth of state/region, access to hospitals/emergency centers, and type of threat experienced by location.

The MO DPS expressed support for retaining the current formula factors: Population and public road mileage.[63] An anonymous commenter expressed support for using population and public road mileage as factors for distribution of funds, and suggested the following additional potential factors: ''Data regarding the usage of call centers in those areas, wealth of the state or region and their access to hospitals and emergency centers.'' [64] However, the anonymous commenter did not provide any explanation for those factors. NASNA stated that the currently proposed formula may not adequately fund rural areas, but cautioned against choosing a factor that advantages rural states with a large land mass over smaller rural states.[65]

The DC OUC and the Chicago OEMC both suggested using call volume as a factor in the funding allocation in order to account for locations that have high tourist and commuter populations.[66] Funds for the 911 Grant Program are distributed at the State level, rather than at the PSAP level. The Agencies are concerned that call volume, which might provide useful localized data, would be less useful once aggregated across a State with a mix of urban and rural areas.

Similarly, the CO PUC commented that it does not support the currently proposed formula because it is unfair to rural, mountainous states such as Colorado that have large tourist populations.[67] The CO PUC agreed that cell towers retain an important role in the transmission of 911 calls to PSAPs, but disagreed with the Agencies' use of road miles as a proxy for cell towers because cell towers in Colorado are often built on mountain peaks far from roads.[68] The CO PUC recommended the following formula: 40 percent population, 40 percent land area, and 20 percent tourism rates.[69] The CO PUC further recommended that the Agencies consider including terrain as a factor in distributing grant funding.[70] The Agencies acknowledge the difficulty of accounting for tourism and terrain differences between states. However, the commenter has not identified a reliable source for State-level tourism rates, nor provided any recommendation for translating terrain into a formula variable.

An anonymous commenter supported better accounting for rural areas and advocated a weighted tiered system with individualized factors—including weighted scales to account for the types of threats to safety as well as the cost and type of the technological advancements needed—for determining grant funding amounts in order to provide for more flexibility.[71] The commenter further recommended breaking States into geographic regions ''so grants can be distributed to areas justifiably with public input.'' [72] While the Agencies appreciate the importance of directing grant funds where they are needed most, the Agencies recognize that it is necessary to streamline the grant process in order to provide timely awards. In addition, the Agencies do not have the expertise to make this type of localized determination. The Agencies believe that States are best situated to determine the needs of localities within their borders. The Agencies have, therefore, limited applications to States and Tribal Organizations. The Agencies make no change to the rule in response to this comment.

After considering the comments submitted, and consistent with the Agencies' specific responses above, the Agencies have determined that the existing formula, which equally accounts for population and road miles, is the most reliable method for calculating the distribution of 911 Grant Program funds.

2. Tribal Organizations

The Agencies specifically sought comment on how to distribute grant funds to Tribal Organizations. Two commenters, the CO PUC and an anonymous commenter, expressed support for applying the same formula to States and Tribal Organizations as proposed by the Agencies.[73] The CO PUC further recommended setting a floor level of funding for Tribal Organizations, similar to the minimum grant amounts provided for States and Territories.[74] The Agencies decline to set a minimum grant amount for Tribal Organizations because the size of Tribal Organizations varies so widely that a minimum funding level could create inequities and inefficiencies. Therefore, the Agencies will retain the proposed maximum funding level applicable to Tribal Organizations.

G. Eligible Uses for Grant Funds (400.7)

The regulatory language of 47 CFR 400.7 lays out the broad parameters of eligible use of 911 Grant Program funds. The Agencies provided additional clarification on certain specific uses of funds in the preamble to the NPRM. The Agencies received several comments relating to these uses. In order to keep the regulatory language broad, and to provide flexibility to grant recipients, the Agencies make no change to the regulatory language in response to these comments, but will address those comments here to provide further clarification.

1. NG911 Services

APCO and the CO PUC expressed support for the Agencies' proposal to provide grant recipients the flexibility to determine whether to provide NG911 services directly or through a contract.[75] APCO further suggested that the Agencies encourage applicants to ''propose forward-thinking solutions for NG911, even if the proposals deviate from traditional approaches to NG911 network architectures.'' [76] Provided that the hardware, software, and/or services comply with current NG911 standards, the Agencies do not proscribe specific architecture for a grantee's NG911 system.

The DC OUC and the MO DPS requested that the Agencies add consulting services to assist with the NG911 transition and deployment as an eligible cost.[77] In 47 CFR 400.9(a), the Agencies identified the requirements of

[62] *Id.*

[63] *See* MO DPS.

[64] Anonymous Comment One.

[65] NASNA at 2.

[66] *See* DC OUC, Chicago OEMC.

[67] CO PUC at 4.

[68] *Id.*

[69] CO PUC at 5–6.

[70] *Id.*

[71] *See* Anonymous Comment Two, *https://www.regulations.gov/document?D=NHTSA-2017-0088-0005.*

[72] *Id.*

[73] *See* CO PUC at 5, Anonymous Comment One.

[74] *See* CO PUC at 5.

[75] *See* APCO at 3, CO PUC at 6–7.

[76] APCO at 3.

[77] *See* DC OUC, MO DPS.

2 CFR part 200, including the cost principles in Subpart E, as applicable to the grants awarded under this program. In accordance with those cost principles, consultant costs are allowable provided that certain conditions are met. Commenters are directed to the applicable cost principle, 2 CFR 200.459—Professional service costs, for detail.

NENA supports the Agencies' incorporation of the NG911 standards, as listed in the DHS SAFECOM Guidance, Appendix B, which NENA notes incorporates by reference many NENA standards.[78] NENA specifically urged the Agencies to encourage grant recipients to implement i_3-based deployments, relying on the NENA i_3 standard laid out in ''Detailed Functional and Interface Specifications for the NENA i_3 Solution.'' [79] Similarly, NSGIC commented that the Agencies should more explicitly require applicants to follow NENA's i_3 standard, instead of the existing incorporation of the DHS SAFECOM Guidance.[80] The Agencies would like to clarify that the SAFECOM Guidance contains a list of acceptable standards which is a vital resource for developing an NG911 system that meets the goal of interoperability. The Agencies reaffirm the requirement for grant recipients to specify that hardware, software, and services comply with current NG911 standards; however, individual products only need to meet the relevant standard(s) within the list of standards in the SAFECOM Guidance. As NENA notes in its comment, the DHS SAFECOM Guidance incorporates by reference the 911 Program's ''NG911 Standards Identification and Review,'' which in turn lists NENA's i_3 standard.

Conversely, the CO PUC recommended that States be able to apply for waivers of the requirement that hardware, software, and services comply with the current NG911 standards listed in DHS's SAFECOM Guidance in certain instances—for example, when unable to find a product that meets all of the listed standards.[81] The Agencies do not believe that waivers are the most effective means of addressing the problem of vendors that do not meet existing standards. Rather, any vendor that believes it is impossible to meet existing standards is encouraged to work with the relevant Standards Development Organization (SDO) to revise existing standards.

Carbyne expressed support for innovative solutions in NG911 and recommended that ''any allocation of grant funds must come with the requirement that software and hardware be able to communicate with different PSAPs based on clearly defined standards that the FCC demands.'' [82] The FCC has jurisdiction to regulate the telecommunications service providers that deliver 911 calls from the public to PSAPs, whereas the 911 Grant Program provides funds for the direct benefit of PSAPs to improve the 911 system. FCC standards, therefore, are not applicable to hardware and software purchased using 911 Grant Program funds.

NSGIC commented that development and maintenance of geospatial datasets are necessary in order to support the desired NG911 services of call routing and coordinated incident response and management.[83] NSGIC provided suggested regulatory language modifications to the definition of Next Generation 911 services (Section 400.2), to the Application requirements section (Section 400.4(a)(1)(i)(B)), and to the Eligible uses section (Section 400.7(b)) to incorporate geographic information system (GIS) data.[84] The Agencies agree that GIS data is an integral component of the NG911 system. However, GIS data is already included in the broader terms ''software'' and ''data,'' which are used in the specified regulatory provisions. Furthermore, the regulatory provisions to which NSGIC provides recommended modifications are taken directly from the statutory language. Therefore, the Agencies decline to make the suggested modifications.

The CO PUC requested clarification as to what qualifies as an ''NG911 application eligible for funding,'' and specifically asked whether a Computer Aided Dispatch (CAD) system configured similar to an Emergency Services IP-network, or a CAD or radio system that is interoperable with the NG911 network, would be considered an eligible ''NG911 application.'' [85] The regulation allows use of funds for ''IP-enabled emergency services and applications enabled by NG911 services.'' [86] Whether a CAD or a radio system is an eligible application enabled by NG911 services, therefore, depends on whether the CAD or radio system is IP-enabled.

NENA urged the Agencies to ''encourage applicants to include relevant [independent verification and validation testing (IV&V)] for all proposed product, service, and system purchases funded with grant monies, or to fund collaborative, multi-jurisdictional IV&V testing'' to ensure interoperability.[87] The NG911 Advancement Act was established to facilitate implementation of NG911 services. While IV&V testing may be a useful tool for grantees, the Agencies do not believe that IV&V testing by individual States is an effective or efficient use of the limited grant funds available at this time.

2. Training

The Agencies requested comment on whether they should set a limit on the amount of 911 Grant Program funds that may be used for training and whether training funds should be limited to training designed to meet the ''Recommended Minimum Training Guidelines for Telecommunicators,'' [88] developed as part of a three-year effort by the National 911 program office. Two commenters, APCO and Motorola, stated that use of 911 Grant Program funds for training should not be limited to training designed to meet the ''Recommended Minimum Training Guidelines for Telecommunicators.'' [89] APCO recommended that eligible training ''should be related to operationalizing NG911 capabilities,'' whereas Motorola recommended that ''NG9–1–1 grant program funds should therefore be made available to support all levels of 9–1–1 services training.'' [90] The CO PUC expressed support for the Minimum Training Guidelines developed by the National 911 Program Office and commented that those guidelines were not unduly burdensome. The CO PUC then stated that it recommends that training expenses ''be strictly limited to training pertaining to NG9–1–1 transition and implementation,'' but does not believe that there should be a limit on the amount of funds expended on training.[91]

After considering the comments received, the Agencies believe that it is important to retain flexibility for grant recipients while ensuring efficient use of funds to meet the statutory intent to assist implementation of NG911.

[78] *See* NENA at 2.

[79] *Id.*

[80] NSGIC at 1–2.

[81] CO PUC at 7.

[82] Carbyne.

[83] NSGIC at 1.

[84] *Id.* at 2.

[85] CO PUC at 6.

[86] 47 CFR 400.7(b).

[87] NENA at 1–2.

[88] *See* National 911 Program, ''Recommended Minimum Training Guidelines for Telecommunicators'' (May 19, 2016), *available at http://www.911.gov/pdf/Recommended_Minimum_Training_Guidelines_for_the_911_Telecommunicator_FINAL_May_19_2016.pdf* (Minimum Training Guidelines).

[89] *See* APCO at 4, Motorola at 4.

[90] APCO at 4, Motorola at 4.

[91] CO PUC at 7.

Therefore, the Agencies will not set a limit on the amount of funds that may be used for training. However, 911 Grant Program funds may only be used for training that is related to NG911 implementation and operations. In order to ensure similar levels of training across the different components of NG911, the ''Recommended Minimum Training Guidelines for Telecommunicators'' must serve as a base level for training provided.

In response to the Agencies' request for comment on possible methods of documentation of PSAP compliance with the Minimum Training Guidelines, the CO PUC recommended certification by the 911 coordinator.[92] The Agencies' goal is to ensure that training provided using 911 Grant Program funding at least meet the Minimum Training Guidelines with the least burden on grantees. As such, the Agencies will require grantees to submit documentation that describes the training being provided and that identifies the included elements from the Minimum Training Guidelines.

The CO PUC recommended that the Agencies allow recipients to use grant funds to ''establish an ongoing training program for public safety telecommunicators.'' [93] The Agencies believe that establishing an ongoing training program is already an allowable expense under the program, though some costs of establishing such a program may qualify as administrative expenses subject to the 10 percent maximum.

3. Planning and Administration

The Agencies proposed allowing the use of funds for an assessment, using the FCC's ''NG911 Readiness Scorecard,'' [94] in order to assist States in determining the status of their current 911 systems as part of the NG911 implementation process. APCO and the CO PUC both agreed with the Agencies' proposal to allow grant recipients to use a portion of the 10 percent maximum for administrative costs to perform an assessment of the current 911 system.[95] However, APCO stated that ''the Office should avoid limiting applicants' self-assessments to any particular tool,'' such as the NG911 Readiness Scorecard.[96] The NG911 Readiness Scorecard was developed by the Task Force on Optimal Public Safety Answering Point Architecture, with extensive participation from the 911 stakeholder community, both private and public. One of the most important capacities of 911 systems is interoperability. The Agencies believe that a common assessment will help in this goal. For this reason, the Agencies strongly recommend that grantees complete an assessment using the NG911 Readiness Scorecard, but grantees may choose another basis for their assessments.

4. Operation of 911 System

The MO DPS stated that ''[f]or 911–PSAPs that only have basic 911 infrastructure and the legacy enhancements from the 2009 E–911 grant, sustainment and maintenance of those systems should be considered as an eligible cost.'' [97] Relatedly, the DC OUC requested that the agencies allow recipients to use grant funds for ''continuation or maintenance of NG911'' for ''early adopters.'' [98] However, in order to maximize use of funds to meet the statutory goal of implementation of an NG911 system, the Agencies have determined that grant recipients may only use 911 Grant Program funds to cover the costs of operating the NG911 system during the period when the recipient is also operating the current legacy system. Once the NG911 system is fully operational, the costs of operating the system should be paid for using surcharge fees collected by State and local governments, as anticipated by the NG911 Advancement Act. Grant recipients should already be using designated 911 charges to fund the operation and maintenance of the 911 or E–911 systems.

While expressing agreement with the Agencies' clarification that operation of the NG911 system is an eligible cost while the grantee is still operating its legacy 911 system, the CO PUC stated that it does ''not believe the Agencies intend to restrict the use of funds to only operational costs.'' [99] The Agencies' clarification regarding operation of the NG911 system was intended to clarify the circumstances in which the costs of operation, as opposed to costs of implementation, of the NG911 system would be allowable. As laid out in the regulation, implementation of the NG911 system—which includes non-recurring and capital expenses related to the NG911 transition—is an eligible cost.

H. Continuing Compliance (400.8)

APCO requested that the Agencies create a clear definition of fee diversion, citing disagreement between the FCC and four States in the most recent FCC report ''On State Collection and Distribution of 911 and Enhanced 911 Fees and Charges.'' [100] The FCC's annual report is authorized under the New and Emerging Technologies 911 Improvement Act of 2008 (NET 911 Act), which is separate from the NG911 Advancement Act. As such, the Agencies are not bound by the FCC's interpretation of non-diversion under the NET 911 Act. The NG911 Advancement Act requires applicants to certify that ''no portion of any designated 911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented.'' [101] As such, fee diversion is largely dependent upon how the fees in question are designated, which varies by State. Providing a single definition of fee diversion, beyond the description provided by the statute and incorporated in the certifications, would ignore the ability of States to designate 911 charges. The Agencies make no change to the rule in response to this comment.

Daniel Ramirez submitted a comment that was somewhat unclear, but that the Agencies interpret to state agreement with the non-diversion requirement in the grant.[102]

I. Waiver Authority (400.11)

The CO PUC stated general support for allowing waiver requests for discretionary provisions of the grant program regulations.[103] APCO stated that certain circumstances could justify a waiver.[104] APCO also requested that the Agencies provide an opportunity for notice and comment by the 911 community when considering whether to grant a waiver.[105] The Agencies intend to only use this waiver ability in extraordinary circumstances. Therefore,

[92] *See id.* at 8.

[93] *Id.* at 7.

[94] *See* FCC, TFOPA Working Group 2 Phase II Supplemental Report: NG9–1–1 Readiness Scorecard (Dec. 2, 2016), *available at https://transition.fcc.gov/pshs/911/TFOPA/TFOPA_WG2_Supplemental_Report-120216.pdf.*

[95] *See* APCO at 4, CO PUC at 8.

[96] APCO at 4.

[97] MO DPS.

[98] DC OUC.

[99] CO PUC at 8.

[100] APCO at 3. FCC, Eighth Annual Report to Congress On State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Dec. 30, 2016), *available at https://apps.fcc.gov/edocs_public/attachmatch/DA-17-61A2.pdf.*

[101] 47 U.S.C. 942(c)(2).

[102] *See* Daniel Ramirez.

[103] *See* CO PUC at 9.

[104] See APCO at 4.

[105] *See id.*

we decline to make a change to the regulation in response to this comment.

IV. Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Policies and Procedures)

This rulemaking has been determined to be significant under section 3(f)(4) of Executive Order 12866, and therefore has been reviewed by the Office of Management and Budget (OMB).

Executive Order 13771

This rulemaking is exempt from the requirements of Executive Order 13771 because it is a ''transfer rule.''

Administrative Procedure Act

The effective date of this final rule is the date of publication. The Administrative Procedure Act's required 30-day delay in effective date for substantive rules does not apply here as this rule concerns grants. *See* 5 U.S.C. 553(a)(2).

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce and the Assistant Chief Counsel for the National Highway Traffic Safety Administration certified to the Small Business Administration Office of Advocacy at the proposed rule stage that this final rule is not expected to have a significant economic impact on a substantial number of small entities. Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact on a substantial number of small entities. The majority of potential applicants (56) for 911 grants are U.S. States and Territories, which are not ''small entities'' for the purposes of the RFA. *See* 5 U.S.C. 601(5). The remaining potential grant applicants are a small number of Tribal Organizations (approximately 13) with a substantial emergency management/public safety presence within their jurisdictions. Like States, Tribal Organizations are not ''small entities'' for the purposes of the RFA. *See* Small Business Regulatory Flexibility Improvements Act of 2015, S. 1536, 114th Cong. § 2(d) (2015) (proposing to add Tribal Organizations to the RFA's ''small governmental jurisdiction'' definition, one of three categories of ''small entities'' in the RFA). Therefore, we have determined under the RFA that this final rule would not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Flexibility Analysis is required, and none has been prepared.

Congressional Review Act

This rulemaking has not been determined to be major under the Congressional Review Act, 5 U.S.C. 801 *et seq.*

Executive Order 13132 (Federalism)

This final rule does not contain policies having federalism implications requiring preparations of a Federalism Summary Impact Statement.

Executive Order 12988 (Civil Justice Reform)

This rulemaking has been reviewed under Executive Order 12988, Civil Justice Reform, as amended by Executive Order 13175. The Agencies have determined that the final rule meets the applicable standards provided in section 3 of the Executive Order to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 12372 (Intergovernmental Consultation)

Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' which requires intergovernmental consultation with State and local officials. All applicants are required to submit a copy of their applications to their designated State Single Point of Contact (SPOC) offices. *See* 7 CFR part 3015, subpart V.

Executive Order 12630

This final rule does not contain policies that have takings implications.

Executive Order 13175 (Consultation and Coordination With Indian Tribes)

The Agencies have analyzed this final rule under Executive Order 13175, and have determined that the action would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would not preempt tribal law. The program is voluntary and any Tribal Organization that chooses to apply and subsequently qualifies would receive grant funds. Therefore, a tribal summary impact statement is not required.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires each Federal agency to seek and obtain OMB approval before collecting information from the public. Federal agencies may not collect information unless it displays a currently valid OMB control number. OMB has approved the Agencies' requests to use previously-approved Standard Forms 424 (Application for Federal Assistance), 424A (Budget Information for Non-Construction Programs), 424B (Assurances for Non-Construction Programs), 424C (Budget Information for Construction Programs), 425 (Federal Financial Report), and SF–LLL (Disclosure for Lobbying Activities) under the respective control numbers 4040–0004, 4040–0005, 4040–0006, 4040–0007, 4040–0014, and 4040–0013. OMB pre-approved the Agencies' information collection request for the State 911 Plans and the Annual Performance Reports and assigned it control number 0660–0041.

The Agencies received no comments in response to their requests to utilize common forms or their information collection request for the State 911 Plans and Annual Performance Reports. The approved requests to use common forms and approved information collection request may be viewed at *reginfo.gov*.

Unfunded Mandates Reform Act

This final rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. The program is voluntary and States and Tribal Organizations that choose to apply and qualify would receive grant funds. Thus, this rulemaking is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

National Environmental Policy Act

The Agencies have reviewed this rulemaking action for the purposes of the National Environmental Policy Act. The Agencies have determined that this final rule would not have a significant impact on the quality of the human environment.

Dated: July 30, 2018.

David J. Redl,

Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.

Heidi King,

Deputy Administrator, National Highway Traffic Safety Administration.

List of Subjects in 47 CFR Part 400

Grant programs, Telecommunications, Emergency response capabilities (911).

■ In consideration of the foregoing, the National Telecommunications and Information Administration, Department of Commerce, and the

National Highway Traffic Safety Administration, Department of Transportation, revises 47 CFR part 400 to read as follows:

PART 400—911 GRANT PROGRAM

Sec.
400.1 Purpose.
400.2 Definitions.
400.3 Who may apply.
400.4 Application requirements.
400.5 Approval and award.
400.6 Distribution of grant funds.
400.7 Eligible uses for grant funds.
400.8 Continuing compliance.
400.9 Financial and administrative requirements.
400.10 Closeout.
400.11 Waiver authority.
Appendix A to Part 400—Initial Certification for 911 Grant Applicants—States
Appendix B to Part 400—Initial Certification for 911 Grant Applicants—Tribal Organizations
Appendix C to Part 400—Annual Certification for 911 Grant Recipients—States
Appendix D to Part 400—Annual Certification for 911 Grant Recipients—Tribal Organizations

Authority: 47 U.S.C. 942.

§ 400.1 Purpose.

This part establishes uniform application, approval, award, financial and administrative requirements for the grant program authorized under the ''Ensuring Needed Help Arrives Near Callers Employing 911 Act of 2004'' (ENHANCE 911 Act), as amended by the ''Next Generation 911 Advancement Act of 2012'' (NG911 Advancement Act).

§ 400.2 Definitions.

As used in this part—

911 Coordinator means a single officer or governmental body of the State in which the applicant is located that is responsible for coordinating implementation of 911 services in that State.

911 services means both E–911 services and Next Generation 911 services.

Administrator means the Administrator of the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

Assistant Secretary means the Assistant Secretary for Communications and Information, U.S. Department of Commerce, and Administrator of the National Telecommunications and Information Administration (NTIA).

Designated 911 charges means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve 911, E–911 or NG911 services.

E–911 services means both phase I and phase II enhanced 911 services, as described in § 20.18 of this title, as subsequently revised.

Emergency call refers to any real-time communication with a public safety answering point or other emergency management or response agency, including—

(1) Through voice, text, or video and related data; and

(2) Nonhuman-initiated automatic event alerts, such as alarms, telematics, or sensor data, which may also include real-time voice, text, or video communications.

ICO means the 911 Implementation Coordination Office established under 47 U.S.C. 942 for the administration of the 911 grant program, located at the National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, NTI–140, Washington, DC 20590.

Integrated telecommunications services means one or more elements of the provision of multiple 911 systems' or PSAPs' infrastructure, equipment, or utilities, such as voice, data, image, graphics, and video network, customer premises equipment (such as consoles, hardware, or software), or other utilities, which make common use of all or part of the same transmission facilities, switches, signaling, or control devices (*e.g.,* database, cybersecurity).

IP-enabled emergency network or IP-enabled emergency system means an emergency communications network or system based on a secured infrastructure that allows secured transmission of information, using internet Protocol, among users of the network or system.

Next Generation 911 services means an IP-based system comprised of hardware, software, data, and operational policies and procedures that—

(1) Provides standardized interfaces from emergency call and message services to support emergency communications;

(2) Processes all types of emergency calls, including voice, data, and multimedia information;

(3) Acquires and integrates additional emergency call data useful to call routing and handling;

(4) Delivers the emergency calls, messages, and data to the appropriate public safety answering point and other appropriate emergency entities;

(5) Supports data or video communications needs for coordinated incident response and management; and

(6) Provides broadband service to public safety answering points or other first responder entities.

PSAP means a public safety answering point, a facility that has been designated to receive emergency calls and route them to emergency service personnel.

State means any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

Tribal Organization means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

§ 400.3 Who may apply.

In order to apply for a grant under this part, an applicant must be a State or Tribal Organization as defined in § 400.2.

§ 400.4 Application requirements.

(a) *Contents for a State application.* An application for funds for the 911 Grant Program from a State must consist of the following components:

(1) *State 911 plan.* A plan that—

(i) Details the projects and activities proposed to be funded for:

(A) The implementation and operation of 911 services, E–911 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 911 services and applications;

(B) The implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) Training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services.

(ii) Establishes metrics and a time table for grant implementation; and

(iii) Describes the steps the applicant has taken to—

(A) Coordinate its application with local governments, Tribal Organizations, and PSAPs within the State;

(B) Ensure that at least 90 percent of the grant funds will be used for the direct benefit of PSAPs and not more than 10 percent of the grant funds will be used for the applicant's administrative expenses related to the 911 Grant Program; and

(C) Involve integrated telecommunications services in the implementation and delivery of 911 services, E–911 services, and Next Generation 911 services.

(2) *Project budget.* A project budget for all proposed projects and activities to be funded by the grant funds. Specifically, for each project or activity, the applicant must:

(i) Demonstrate that the project or activity meets the eligible use requirement in § 400.7; and

(ii) Identify the non-Federal sources, which meet the requirements of 2 CFR 200.306, that will fund at least 40 percent of the cost; except that as provided in 48 U.S.C. 1469a, the requirement for non-Federal matching funds (including in-kind contributions) is waived for American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands for grant amounts up to $200,000.

(3) *Supplemental project budget.* States that qualify for a grant under the program may also qualify for additional grant funds that may become available. To be eligible for any such additional grant funds that may become available in accordance with § 400.6, a State must submit, with its application, a supplemental project budget that identifies the maximum dollar amount the State is able to match from non-Federal sources meeting the requirements of 2 CFR 200.306, and includes projects or activities for those grant and matching amounts, up to the total amount in the project budget submitted under paragraph (a)(2) of this section. This information must be provided to the same level of detail as required under paragraph (a)(2) of this section and be consistent with the State 911 Plan required under paragraph (a)(1) of this section.

(4) *Designated 911 Coordinator.* The identification of a single officer or government body to serve as the 911 Coordinator of implementation of 911 services and to sign the certifications required under this part. Such designation need not vest such coordinator with legal authority to implement 911 services, E–911 services, or Next Generation 911 services or to manage emergency communications operations. If a State applicant has established by law or regulation an office or coordinator with the authority to manage 911 services, that office or coordinator must be identified as the designated 911 Coordinator and apply for the grant on behalf of the State. If a State applicant does not have such an office or coordinator established, the Governor of the State must appoint a single officer or governmental body to serve as the 911 Coordinator in order to qualify for a 911 grant. If the designated 911 Coordinator is a governmental body, an official representative of the governmental body shall be identified to sign the certifications for the 911 Coordinator. The State must notify NHTSA in writing within 30 days of any change in appointment of the 911 Coordinator.

(5) *Certifications.* The certification in Appendix A of this part, signed by the 911 Coordinator, certifying that the applicant has complied with the required statutory and programmatic conditions in submitting its application. The applicant must certify that during the time period 180 days immediately preceding the date of the initial application, the State has not diverted any portion of designated 911 charges imposed by the State for any purpose other than the purposes for which such charges are designated or presented, that no taxing jurisdiction in the State that will be a recipient of 911 grant funds has diverted any portion of designated 911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated or presented, and that, continuing through the time period during which grant funds are available, neither the State nor any taxing jurisdiction in the State that is a recipient of 911 grant funds will divert designated 911 charges for any purpose other than the purposes for which such charges are designated or presented.

(b) *Contents for a Tribal Organization application.* An application for funds for the 911 Grant Program from a Tribal Organization must consist of the following components:

(1) Tribal Organization 911 Plan. A plan that—

(i) Details the projects and activities proposed to be funded for:

(A) The implementation and operation of 911 services, E–911 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 911 services and applications;

(B) The implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(C) Training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services.

(ii) Establishes metrics and a time table for grant implementation; and

(iii) Describes the steps the applicant has taken to—

(A) Coordinate its application with PSAPs within the Tribal Organization's jurisdiction;

(B) Ensure that at least 90 percent of the grant funds will be used for the direct benefit of PSAPs and not more than 10 percent of the grant funds will be used for the applicant's administrative expenses related to the 911 Grant Program; and

(C) Involve integrated telecommunications services in the implementation and delivery of 911 services, E–911 services, and Next Generation 911 services.

(2) *Project budget.* A project budget for all proposed projects and activities to be funded by the grant funds. Specifically, for each project or activity, the applicant must:

(i) Demonstrate that the project or activity meets the eligible use requirement in § 400.7; and

(ii) Identify the allowable sources, which meet the requirements of 2 CFR 200.306, that will fund at least 40 percent of the cost.

(3) *Supplemental project budget.* Tribal Organizations that qualify for a grant under the program may also qualify for additional grant funds that may become available. To be eligible for any such additional grant funds that may become available in accordance with § 400.6, a Tribal Organization must submit, with its application, a supplemental project budget that identifies the maximum dollar amount the Tribal Organization is able to match from allowable sources meeting the requirements of 2 CFR 200.306, and includes projects or activities for those grant and matching amounts, up to the total amount in the project budget submitted under paragraph (b)(2) of this section. This information must be provided to the same level of detail as required under paragraph (b)(2) of this section and be consistent with the Tribal Organization 911 Plan required under paragraph (b)(1) of this section.

(4) *Designated 911 Coordinator.* Written identification of the single State officer or government body serving as the 911 Coordinator of implementation of 911 services in the State (or States) in which the Tribal Organization is

located. If a State has not designated an officer or government body to coordinate such services, the Governor of the State must appoint a single officer or governmental body to serve as the 911 Coordinator in order for the Tribal Organization to qualify for a 911 grant. The Tribal Organization must notify NHTSA in writing within 30 days of any change in appointment of the 911 Coordinator.

(b) *Responsible Tribal Organization Official.* Written identification of the official responsible for executing the grant agreement and signing the required certifications on behalf of the Tribal Organization.

(5) *Certifications.* The certification in Appendix B of this part, signed by the responsible official of the Tribal Organization, certifying that the applicant has complied with the required statutory and programmatic conditions in submitting its application. The applicant must certify that during the time period 180 days immediately preceding the date of the initial application, the taxing jurisdiction (or jurisdictions) within which the applicant is located has not diverted any portion of designated 911 charges imposed by the taxing jurisdiction (or jurisdictions) within which the applicant is located for any purpose other than the purposes for which such charges are designated or presented and that, continuing through the time period during which grant funds are available, the taxing jurisdiction (or jurisdictions) within which the applicant is located will not divert designated 911 charges for any purpose other than the purposes for which such charges are designated or presented.

(c) *Due dates*—(1) *Initial application deadline.* The applicant must submit the certification set forth in Appendix A of this part if a State, or Appendix B of this part if a Tribal Organization, no later than the initial application deadline published in the Notice of Funding Opportunity. Failure to meet this deadline will preclude the applicant from receiving consideration for a 911 grant award.

(2) *Final application deadline.* After publication of the funding allocation for the 911 Grant Program in a revision to the Funding Opportunity, applicants that have complied with paragraph (c)(1) of this section will be given additional time in which to submit remaining application documents in compliance with this section, including a supplemental project budget. The revision to the Notice of Funding Opportunity will provide such deadline information. Failure to meet this deadline will preclude the applicant from receiving consideration for a 911 grant award.

§ 400.5 Approval and award.

(a) The ICO will review each application for compliance with the requirements of this part.

(b) The ICO may request additional information from the applicant, with respect to any of the application submission requirements of § 400.4, prior to making a recommendation for an award. Failure to submit such additional information may preclude the applicant from further consideration for award.

(c) The Administrator and Assistant Secretary will jointly approve and announce, in writing, grant awards to qualifying applicants.

§ 400.6 Distribution of grant funds.

(a) *Funding allocation.* Except as provided in paragraph (b) of this section—

(1) Grant funds for each State that meets the certification requirements set forth in § 400.4 will be allocated—

(i) 50 percent in the ratio which the population of the State bears to the total population of all the States, as shown by the latest available Federal census; and

(ii) 50 percent in the ratio which the public road mileage in each State bears to the total public road mileage in all States, as shown by the latest available Federal Highway Administration data.

(2) Grant funds for each Tribal Organization that meets the certification requirements set forth in § 400.4 will be allocated—

(i) 50 percent in the ratio to which the population of the Tribal Organization bears to the total population of all Tribal Organizations, as determined by the most recent population data on American Indian/Alaska Native Reservation of Statistical Area; and

(ii) 50 percent in the ratio which the public road mileage in each Tribal Organization bears to the total public road mileage in tribal areas, using the most recent national tribal transportation facility inventory data.

(2) *Supplemental project budgets.* As set forth in § 400.4(a)(3) and (b)(3), the ICO reserves the right to allocate additional funds based on supplemental project budgets.

(b)(1) *Minimum distribution.* The distribution to each qualifying State under paragraph (b) of this section shall not be less than $500,000, except that the distribution to American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands shall not be less than $250,000.

(2) *Tribal Organization set-aside.* Up to 2 percent of grant funds available under this part will be set aside for distribution to qualifying Tribal Organizations for a 911 grant. The distribution to each qualifying Tribal Organization shall not be more than $250,000. Any remaining funds after distribution to qualifying Tribal Organizations under this subparagraph will be released for distribution to the States consistent with paragraph (a) of this section.

(c) *Additional notices of funding opportunity.* Grant funds that are not distributed under paragraph (a) of this section may be made available to States and Tribal Organizations through subsequent Notices of Funding Opportunity.

§ 400.7 Eligible uses for grant funds.

Grant funds awarded under this part may be used only for:

(a) The implementation and operation of 911 services, E–911 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 911 services and applications;

(b) The implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and

(c) 911-related training of public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services.

§ 400.8 Continuing compliance.

(a) A grant recipient must submit on an annual basis 30 days after the end of each fiscal year during which grant funds are available, the certification set forth in Appendix C of this part if a State, or Appendix D of this part if a Tribal Organization, making the same certification concerning the diversion of designated 911 charges.

(b) In accordance with 47 U.S.C. 942(c), where a recipient knowingly provides false or inaccurate information in its certification related to the diversion of designated 911 charges, the recipient shall—

(1) Not be eligible to receive the grant under this part;

(2) Return any grant awarded under this part during the time that the certification was not valid; and

(3) Not be eligible to receive any subsequent grants under this part.

§ 400.9 Financial and administrative requirements.

(a) *General.* The requirements of 2 CFR part 200, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including applicable cost principles referenced at subpart E, govern the implementation and management of grants awarded under this part.

(b) *Reporting requirements*—(1) *Performance reports.* Each grant recipient shall submit an annual performance report to NHTSA, following the procedures of 2 CFR 200.328, within 90 days after each fiscal year that grant funds are available, except when a final report is required under § 400.10(b)(2).

(2) *Financial reports.* Each recipient shall submit quarterly financial reports to NHTSA, following the procedures of 2 CFR 200.327, within 30 days after each fiscal quarter that grant funds are available, except when a final voucher is required under § 400.10(b)(1).

§ 400.10 Closeout.

(a) *Expiration of the right to incur costs.* The right to incur costs under this part will expire as of the end of the period of performance. The grant recipient and its subrecipients and contractors may not incur costs for Federal reimbursement past the expiration date.

(b) *Final submissions.* Within 90 days after the completion of projects and activities funded under this part, but in no event later than the expiration date identified in paragraph (a) of this section, each grant recipient must submit—

(1) A final voucher for the costs incurred. The final voucher constitutes the final financial reconciliation for the grant award.

(2) A final report to NHTSA, following the procedures of 2 CFR 200.343(a).

(c) *Disposition of unexpended balances.* Any funds that remain unexpended after closeout shall cease to be available to the recipient and shall be returned to the government.

§ 400.11 Waiver authority.

It is the general intent of the ICO not to waive any of the provisions set forth in this part. However, under extraordinary circumstances and when it is in the best interest of the federal government, the ICO, upon its own initiative or when requested, may waive the provisions in this part. Waivers may only be granted for requirements that are discretionary and not mandated by statute or other applicable law. Any request for a waiver must set forth the extraordinary circumstances for the request.

Appendix A To Part 400 –

Initial Certification For 911 Grant Applicants – States

(To be submitted as part of the initial application)

I. On behalf of [*State/Territory*], I, [*print name*], hereby certify that:

(check **only one** box below)

□ [*State or Territory*] has established by law or regulation [*name of 911 office/coordinator*] with the authority to manage 911 services in the State, and I am its representative. *See* [*citation to State law or rule*]. [*Name of 911 office/coordinator*] will serve as the designated 911 Coordinator.

□ [*State or Territory*] does not have an office or coordinator with the authority to manage 911 services, and the Governor of [*State or Territory*] has designated

(check **only one** circle below)

o me as the State's single officer to serve as the 911 Coordinator of 911 services implementation; or

o [*governmental body*] as the State's single governmental body, to serve as the 911 Coordinator of 911 services implementation, and I am its representative.

(check **all** boxes below)

□ The State has coordinated the application with local governments, Tribal Organizations and PSAPs within the State.

□ The State has established a State 911 Plan, consistent with the implementing regulations, for the coordination and implementation of 911 services, E-911 services, and Next Generation 911 services.

□ The State will ensure that at least 90 percent of the grant funds are used for the direct benefit of PSAPs.

□ The State has integrated telecommunications services involved in the implementation and delivery of 911 services, E-911 services, and Next Generation 911 services.

II. I further certify that the State has not diverted and will not divert any portion of designated 911 charges imposed by the State for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application and continuing through the time period during which grant funds are available.

I further certify that no taxing jurisdiction in the State that will receive 911 grant funds has diverted any portion of the designated 911 charges for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application.

I further certify that the State will ensure that each taxing jurisdiction in the State that receives 911 grant funds does not divert any portion of designated 911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available.

I agree that, as a condition of receipt of the grant, the State will return all grant funds if the State obligates or expends, at any time for the full duration of this grant, designated 911 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 911 services, E-911 services, or Next Generation 911 services, and that if a taxing jurisdiction in the State that receives 911 grant funds diverts any portion of designated 911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available, the State will ensure that 911 grant funds distributed to that taxing jurisdiction are returned.

III. I further certify that the State will comply with all applicable laws and regulations and financial and programmatic requirements for Federal grants.

_____

Signature of State 911 Coordinator
(or representative of single governmental body)

_____

Title

_____

Date

Appendix B To Part 400 –

Initial Certification For 911 Grant Applicants – Tribal Organizations

(To be submitted as part of the initial application)

I. On behalf of [*Tribal Organization*], I, [*print name*], hereby certify that:

(check **all** boxes below)

□ The Tribal Organization has coordinated the application with PSAPs within its jurisdiction.

□ The Tribal Organization has established a 911 Plan, consistent with the implementing regulations, for the coordination and implementation of 911 services, E-911 services, and Next Generation 911 services.

□ The Tribal Organization will ensure that at least 90 percent of the grant funds are used for the direct benefit of PSAPs.

□ The Tribal Organization has integrated telecommunications services involved in the implementation and delivery of 911 services, E-911 services, and Next Generation 911 services.

II. I further certify that the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located has not diverted and will not divert any portion of designated 911 charges imposed by the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application and continuing through the time period during which grant funds are available.

III. I agree that, as a condition of receipt of the grant, the Tribal Organization will return all grant funds if the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located obligates or expends, at any time for the full duration of this grant, designated 911 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 911 services, E-911 services, or Next Generation 911 services.

IV. I further certify that the Tribal Organization will comply with all applicable laws and regulations and financial and programmatic requirements for Federal grants.

V. The single State officer or government body serving as the 911 Coordinator of implementation of 911 services in each State in which the Tribal Organization is located is _____.

_____
Signature of Responsible Official

_____
Title

_____
Date

Appendix C To Part 400 –

Annual Certification For 911 Grant Recipients – States

(To be submitted annually after grant award while grant funds are available)

On behalf of [*State/Territory*], I, [*print name*], hereby certify that the State has not diverted any portion of designated 911 charges imposed by the State for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application and continuing throughout the time period during which grant funds are available.

I further certify that no taxing jurisdiction in the State that will receive 911 grant funds has diverted any portion of the designated 911 charges for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application.

I further certify that the State will ensure that each taxing jurisdiction in the State that receives 911 grant funds does not divert any portion of designated 911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available.

I agree that, as a condition of receipt of the grant, the State will return all grant funds if the State obligates or expends, at any time for the full duration of this grant, designated 911 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 911 services, E-911 services, or Next Generation 911 services, and that if a taxing jurisdiction in the State that receives 911 grant funds diverts any portion of designated 911 charges imposed by the taxing jurisdiction for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available, the State will ensure that 911 grant funds distributed to that taxing jurisdiction are returned.

_____

Signature of State 911 Coordinator
(or representative of single governmental body)

_____

Title

_____

Date

Appendix D To Part 400 –

Annual Certification For 911 Grant Recipients – Tribal Organizations

(To be submitted annually after grant award while grant funds are available)

On behalf of [*Tribal Organization*], I, [*print name*], hereby certify that the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located has not diverted and will not divert any portion of designated 911 charges imposed by the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located for any purpose other than the purposes for which such charges are designated or presented from the time period 180 days preceding the date of the application and continuing through the time period during which grant funds are available.

I further certify that the Tribal Organization will ensure that the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located that receives 911 grant funds does not divert any portion of designated 911 charges imposed by the taxing jurisdiction (or jurisdictions) for any purpose other than the purposes for which such charges are designated during the time period which grant funds are available.

I agree that, as a condition of receipt of the grant, the Tribal Organization will return all grant funds if the taxing jurisdiction (or jurisdictions) within which the Tribal Organization is located obligates or expends, at any time for the full duration of this grant, designated 911 charges for any purpose other than the purposes for which such charges are designated or presented, eliminates such charges, or redesignates such charges for purposes other than the implementation or operation of 911 services, E-911 services, or Next Generation 911 services.

_____

Signature of Responsible Official

_____

Title

_____

Date

[FR Doc. 2018–16567 Filed 8–2–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 170831849–8404–01]

RIN 0648–XG337

Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions #2 through #11

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

ACTION: Modification of fishing seasons.

SUMMARY: NMFS announces ten inseason actions in the ocean salmon fisheries. These inseason actions modified the commercial salmon fisheries in the area from the U.S./Canada border to the U.S./Mexico border.

DATES: The effective dates for the inseason actions are set out in this document under the heading Inseason Actions.

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206–526–4323.

SUPPLEMENTARY INFORMATION:

Background

In the 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018), NMFS announced management measures for the commercial and recreational fisheries in the area from the U.S./Canada border to the U.S./Mexico border, beginning May 1, 2018, through April 30, 2019. NMFS is authorized to implement inseason management actions to modify fishing seasons and quotas as necessary to provide fishing opportunity while meeting management objectives for the affected species (50 CFR 660.409). Inseason actions in the salmon fishery may be taken directly by NMFS (50 CFR 660.409(a)—Fixed inseason management provisions) or upon consultation with the Pacific Fishery Management Council (Council) and the appropriate State Directors (50 CFR 660.409(b)—Flexible inseason management provisions). The state management agencies that participated in the consultations described in this document were: California Department of Fish and Wildlife (CDFW), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fish and Wildlife (WDFW).

Management Areas

Management of the salmon fisheries is generally divided into two geographic areas: North of Cape Falcon (U.S./Canada border to Cape Falcon, OR) and south of Cape Falcon (Cape Falcon, OR, to the U.S./Mexico border). South of Cape Falcon, the area from Humbug Mountain, OR, to Horse Mountain, CA, is the Klamath Management Zone (KMZ) and is managed in two subareas, Oregon KMZ and California KMZ, divided at the Oregon/California border. For managing commercial salmon fisheries, the Oregon KMZ is the area from Humbug Mountain, OR to the Oregon/California border, and the California KMZ is the area from the Oregon/California border to Humboldt South Jetty, CA. The area from Humboldt South Jetty, CA, to Horse Mountain, CA, is closed to commercial salmon fishing in 2018.

Inseason Actions

Inseason Action #2

Description of action: Inseason action #2 closed the commercial salmon fishery from the U.S./Canada border to Queets River, WA, at 11:59 p.m., May 27, 2018.

Effective dates: Inseason action #2 took effect on May 27, 2018, and remained in effect until superseded by inseason action #3 on May 31, 2018.

Reason and authorization for the action: WDFW provided information on salmon landings in the ocean salmon fishery north of Queets River, WA, and recommended that, at the current rate of harvest, the May-June Chinook salmon quota in the area was at risk of being exceeded. The purpose of this action was to avoid exceeding the May-June quota for Chinook salmon in the area. The NMFS West Coast Regional Administrator (RA) considered Chinook salmon landings and fishery effort in the area north of Cape Falcon and determined that this inseason action was necessary to meet management objectives set preseason. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #2 occurred on May 25, 2018. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #3

Description of action: Inseason action #3 superseded inseason action #2 and reopened the commercial salmon fishery from the U.S./Canada border to Queets River, WA, from May 31, 2018, through June 4, 2018, with an open period landing limit of 35 Chinook salmon per vessel.

Effective dates: Inseason action #3 took effect May 31, 2018, and remained in effect until superseded by inseason action #7 on June 8, 2018.

Reason and authorization for the action: WDFW reported updated landings for the area north of Cape Falcon and recommended that sufficient quota remained in the area north of the Queets River to reopen the fishery, on a limited basis, for five days with a 35 Chinook salmon per vessel landing limit. This recommendation reduced the open period from seven days per week and the landing limit from 50 Chinook salmon per vessel, set preseason. The RA considered Chinook salmon landings and fishery effort in the area north of Cape Falcon and determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #3 occurred on May 30, 2018. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #4

Description of action: Inseason action #4 increased the landing limit in the commercial ocean salmon fishery from Queets River, WA, to Leadbetter Point, WA, from 100 Chinook salmon per vessel per landing week (Thursday through Wednesday) to 200 Chinook salmon per vessel per landing week (Thursday through Wednesday).

Effective dates: Inseason action #4 took effect May 31, 2018, and remained in effect through June 30, 2018.

Reason and authorization for the action: ODFW and WDFW presented information that landings were very low in the north of Cape Falcon fisheries located south of Queets River, WA. The RA considered Chinook salmon landings and fishery effort in the area and determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #4 occurred on May 30, 2018. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #5

Description of action: Inseason action #5 increased the landing limit in the commercial ocean salmon fishery from Leadbetter Point, WA, to Cape Falcon, OR, from 50 Chinook salmon per vessel per landing week (Thursday through Wednesday) to 100 Chinook salmon per vessel per landing week (Thursday through Wednesday).

Effective dates: Inseason action #5 took effect May 31, 2018, and remained in effect through June 30, 2018.

Reason and authorization for the action: ODFW and WDFW presented information that landings were very low in the north of Cape Falcon fisheries located south of Queets River, WA. The

RA considered Chinook salmon landings and fishery effort in the area and determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #5 occurred on May 30, 2018. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #6

Description of action: Inseason action #6 adjusted the June quota for the commercial ocean salmon fishery in the California KMZ from 4,000 Chinook salmon to 6,650 Chinook salmon by rolling over unused Chinook salmon quota from May to June on an impact-neutral basis.

Effective dates: Inseason action #6 took effect June 1, 2018 and remained in effect through June 30, 2018.

Reason and authorization for the action: The May quota for the commercial salmon fishery in the California KMZ was 3,600 Chinook salmon. CDFW estimated May landings at 950 Chinook salmon. Based on the Chinook salmon landings and fishery effort in the area and the calculations of the Council's Salmon Technical Team (STT) for rolling over quota on an impact-neutral basis for Sacramento and Klamath River fall Chinook salmon stocks, the RA determined that the rollover from May to June would be 2,650 Chinook salmon, resulting in an adjusted June quota of 6,650. The RA further determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. Impact-neutral quota rollover from one month to the next in the California KMZ is permitted under the 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018). Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #6 occurred on May 30, 2018. Representatives from NMFS, CDFW, ODFW, and the Council participated in this consultation.

Inseason Action #7

Description of action: Inseason action #7 superseded inseason action #3 and reopened the commercial salmon fishery from the U.S./Canada border to Queets River, WA, from June 8, 2018, through June 11, 2018, with an open period landing limit of 30 Chinook salmon per vessel.

Effective dates: Inseason action #7 took effect June 8, 2018 and remained in effect through June 30, 2018.

Reason and authorization for the action: WDFW reported updated landings for the area north of Cape Falcon, and recommended that sufficient quota remained in the area north of the Queets River to reopen the fishery for four days with a 30 Chinook salmon per vessel landing limit. The RA considered Chinook salmon landings and fishery effort in the area and determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #7 occurred on June 7, 2018. Representatives from NMFS, WDFW, ODFW, and the Council participated in this consultation.

Inseason Action #8

Description of action: Inseason action #8 cancelled the scheduled June 16–30, 2018, opening of the commercial ocean salmon fishery in the Oregon KMZ due to attainment of the June quota in that area.

Effective dates: Inseason action #8 took effect June 16, 2018, and remained in effect through June 30, 2018.

Reason and authorization for the action: ODFW provided data for June salmon landings in the Oregon KMZ and recommended that insufficient quota remained to support the previously scheduled June 16–30, 2018 opening. The RA considered Chinook salmon landings and fishery effort in the Oregon KMZ and determined that this inseason action was necessary to meet management objectives set preseason and to prevent exceeding the June quota. The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) state that landing limits may be modified inseason to sustain season length and keep harvest within overall quotas. Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #8 occurred on June 14, 2018. Representatives from NMFS, ODFW, CDFW, and the Council participated in this consultation.

Inseason Action #9

Description of action: Inseason action #9 adjusted the July quota for the commercial ocean salmon fishery in the California KMZ from 4,000 Chinook salmon to 6,612 Chinook salmon by rolling over unused Chinook salmon quota from June to July on an impact-neutral basis.

Effective dates: Inseason action #9 took effect July 1, 2018, and remains in effect through July 31, 2018.

Reason and authorization for the action: The June quota for the commercial salmon fishery in the California KMZ, as adjusted under inseason action #6 above, was 6,650 Chinook salmon. CDFW estimated June landings at 2,614 Chinook salmon. Based on the Chinook salmon landings and fishery effort in the area and the calculations of the STT for rolling over quota on an impact-neutral basis for the Sacramento River fall Chinook salmon stock, the RA determined that the rollover from June to July would be 2,612 Chinook salmon, resulting in an adjusted July quota of 6,612. The RA further determined that this inseason action was necessary to meet management objectives set preseason and to allow commercial salmon fishers to fully access available quota. Impact-neutral quota rollover from one month to the next in the California KMZ is permitted under the 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018). Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #9 occurred on June 27, 2018. Representatives from NMFS, ODFW, CDFW, and the Council participated in this consultation.

Inseason Action #10

Description of action: Inseason action #10 adjusted the July quota for the commercial ocean salmon fishery in the Oregon KMZ from 2,000 Chinook salmon to 1,975 Chinook salmon by deducting, on an impact-neutral basis, Chinook salmon quota that was exceeded in the area in June.

Effective dates: Inseason action #10 took effect July 1, 2018 and remains in effect through July 31, 2018.

Reason and authorization for the action: The June quota for the commercial salmon fishery in the Oregon KMZ was 1,500 Chinook salmon. ODFW estimated June landings at 1,556 Chinook salmon, exceeding the June quota by 56 Chinook salmon. Based on the Chinook salmon landings and fishery effort in the area and the calculations of the STT for rolling back quota on an impact-neutral basis for the Sacramento and Klamath River fall Chinook salmon stocks, the RA determined that 25 Chinook salmon would be deducted from the July quota in the Oregon KMZ to account for exceeding the June quota, resulting in an adjusted July quota of 1,975 Chinook salmon. The RA further determined that this inseason action was necessary to meet management objectives set. Impact-neutral quota rollover from one month to the next in the Oregon KMZ is permitted under the 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018). Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #10 occurred on June 27, 2018. Representatives from NMFS, ODFW, CDFW, and the Council participated in this consultation.

Inseason Action #11

Description of action: Inseason action #11 allows retention of halibut caught incidental to the commercial salmon fishery by IPHC license holders to continue past June 30, 2018, with the same landing and possession limits set preseason, due to sufficient halibut allocation remaining. This inseason action applies to commercial salmon fisheries from the U.S./Canada border to the U.S./Mexico border.

Effective dates: Inseason action #11 took effect July 1, 2018, and remains in effect until superseded by further inseason action.

Reason and authorization for the action: The 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018) announced the conditions for incidental halibut harvest: ''incidental harvest is authorized only during April, May, and June of the 2018 troll seasons, and after June 30 in 2018 if quota remains.'' At the time of this consultation, 28 percent of the incidental halibut allocation remained uncaught. The RA considered Chinook salmon and halibut landings and fishery effort in the commercial ocean salmon fishery and determined that this inseason action was necessary to meet management objectives set preseason and to allow access to the available halibut allocation, as provided for in the 2018 annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018). Flexible inseason management provisions are authorized by 50 CFR 660.409(b).

Consultation date and participants: Consultation on inseason action #11 occurred on June 27, 2018. Representatives from NMFS, ODFW, CDFW, and the Council participated in this consultation.

All other restrictions and regulations remain in effect as announced for the 2018 ocean salmon fisheries and 2019 salmon fisheries opening prior to May 1, 2019 (83 FR 19005, May 1, 2018), and as modified by prior inseason actions.

The RA determined that the best available information indicated that Chinook salmon and halibut abundance forecasts and expected fishery effort in 2018 supported the above inseason actions recommended by the states of Washington, Oregon, and California. The states manage the fisheries in state waters adjacent to the areas of the U.S. exclusive economic zone consistent with these federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice of the described regulatory action was given, prior to the time the action was effective, by telephone hotline numbers 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Classification

NOAA's Assistant Administrator (AA) for NMFS finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be impracticable. As previously noted, actual notice of the regulatory action was provided to fishers through telephone hotline and radio notification. This action complies with the requirements of the annual management measures for ocean salmon fisheries (83 FR 19005, May 1, 2018), the Pacific Coast Salmon Fishery Management Plan (FMP), and regulations implementing the FMP, 50 CFR 660.409 and 660.411. Prior notice and opportunity for public comment was impracticable because NMFS and the state agencies had insufficient time to provide for prior notice and the opportunity for public comment between the time Chinook salmon and halibut catch and effort projections and abundance forecasts were developed and fisheries impacts were calculated, and the time the fishery modifications had to be implemented in order to ensure that fisheries are managed based on the best available scientific information, ensuring that conservation objectives and limits for impacts to salmon species listed under the Endangered Species Act are not exceeded. The AA also finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3), as a delay in effectiveness of this action would allow fishing at levels inconsistent with the goals of the FMP and the current management measures.

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: July 30, 2018.

Margo Schulze-Haugen,

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

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Proposed Rules

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

DEPARTMENT OF ENERGY

10 CFR Part 460

[EERE–2009–BT–BC–0021]

RIN 1904–AC11

Energy Conservation Program: Energy Conservation Standards for Manufactured Housing

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

ACTION: Notice of data availability; request for information.

SUMMARY: The U.S. Department of Energy (DOE) is announcing this notice of data availability (''NODA'') and soliciting public input regarding data relating to certain aspects in developing energy conservation standards for manufactured housing. These data are likely to help serve as support for DOE's further refinement of certain aspects of its proposed standards for these structures. They may also serve as the basis for DOE's restructuring of its approach in laying out the framework for standards that would apply to manufactured housing. DOE is seeking comment on these data along with several options that it is currently considering that could form an alternative basis for regulating the energy efficiency of manufactured housing. DOE also seeks any additional information that might further inform the agency's views regarding the manner in which to regulate these structures.

DATES: Written comments and information are requested and will be accepted on or before September 17, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2009–BT–BC–0021, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: to Manufactured_Housing@ee.doe.gov.* Include EERE–2009–BT–BC–0021 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

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

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

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2009-BT-BC-0021.* The docket web page contains simple instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Ms. Sofie Miller, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1943. Email: *Manufactured_Housing@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

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

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I. Introduction

Manufactured housing comprises a housing category that consists of structures constructed in a factory, built on a permanent chassis, and transportable in one or more sections that are then erected on-site. See 24 CFR 3280.2 This type of housing has traditionally been regulated by the Department of Housing and Urban Development (''HUD''), which has regulated these structures with the purpose of reducing personal injuries, deaths, property damage, and insurance costs, and to improve the quality, durability, safety, and affordability of these homes. *See* 42 U.S.C. 5401(b). Consistent with its statutory authority, HUD has created a comprehensive regulatory framework to address a variety of aspects related to these structures, including certain elements related to their energy efficiency. *See, e.g.* 24 CFR 3280.507(a) (specifying thermal insulation requirements) and 24 CFR 3280.508(d) (detailing requirements related to the installation of high-efficiency heating and cooling equipment in manufactured homes). HUD's standards are preemptive nationwide and differ from standards developed under the auspices of (and published by) the International Code Council (''ICC''). The ICC standards,

known as the International Energy Conservation Code (''IECC''), have been adopted by many state and local governments in establishing minimum design and construction requirements for the energy efficiency of residential and commercial buildings. However, due to the preemptive nature of HUD's standards, the ICC standards are not currently applied to manufactured housing. Consistent with this approach and Federal law, DOE is tasked with evaluating whether the adoption of standards based on the most recent version of the IECC would satisfy the applicable statutory requirements.

A. Authority and Background

Section 413 of the Energy Independence and Security Act of 2007, Public Law 110–140 (December 19, 2007) (''EISA'') requires DOE to establish by regulation standards for the energy efficiency of manufactured housing. See 42 U.S.C. 17071(a)(1). Prior to establishing these regulations, DOE must satisfy two conditions—(1) provide manufacturers and other interested parties with notice and an opportunity for comment and (2) consult with the Secretary of HUD, who may then ''seek further counsel from the Manufactured Housing Consensus Committee.'' [1] 42 U.S.C. 17071(a)(2). These standards must generally be based on the most recent version of the IECC, except where DOE finds that the IECC is not cost effective, or a more stringent standard would be more cost effective. A finding that standards based on the IECC are not cost effective or that standards more stringent than the IECC are cost effective would be based on the impact of the adoption of the IECC standards on the purchase price of manufactured housing and on total life-cycle construction and operating costs. See 42 U.S.C. 17071(b)(1). In establishing its standards, DOE may consider:

- The design and factory construction techniques of manufactured housing,
- The climate zones established in the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (''the HUD Code'') rather than the climate zones included as part of the IECC, and
- Alternative practices that result in net estimated energy consumption equal to or less than the specific IECC standards. *See* 42 U.S.C. 17071(b)(2).

In addition, EISA provides that a manufacturer who violates the regulations established by DOE under 42 U.S.C. 17071(a) ''is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.'' *See* 42 U.S.C. 17071(c).

B. Rulemaking History

In the years since EISA became law, DOE has undertaken several steps down the complex regulatory path of fulfilling Section 413's directive for promulgating new regulations under the processes and conditions set forth in the statute. After studying the issue, on February 22, 2010, DOE published an advanced notice of proposed rulemaking and request for comment identifying 13 distinct issues concerning energy efficiency in manufactured housing about which it sought public input. *See* Energy Standards for Manufactured Housing, 75 FR 7556, 7557 (February 22, 2010). After receiving and considering the submitted comments, DOE prepared a draft notice of proposed rulemaking (''draft NOPR'') and submitted it to the Office of Information and Regulatory Affairs (''OIRA'') in the Office of Management and Budget for review, pursuant to Executive Order 12866. Ultimately, the draft NOPR did not clear the OIRA review process, and DOE withdrew it on March 13, 2014.[2]

Following the withdrawal of the draft NOPR from OIRA, DOE notified the public of its intent to establish a negotiated rulemaking working group for manufactured housing. DOE believed that this approach would be ''better suited to resolving complex technical issues'' concerning the standards, among other benefits. 79 FR 33874 (June 13, 2014). The working group was convened and met for a total of 12 days over a three-month period. *See* Energy Conservation Program: Energy Efficiency Standards for Manufactured Housing, 80 FR 7550, 7551 (February 11, 2015).[3] These meetings led to the adoption of a term sheet detailing numerous technical recommendations for energy efficiency standards for manufactured housing. *See* Document ID EERE–2009–BT–BC–0021–0107.[4] Also, in accordance with a recommendation from the working group, DOE sought further public comment regarding some technical issues that had arisen in the rulemaking process. *See* 80 FR 7551–7553. In addition to these extensive efforts to solicit comments from the public and the expertise of the working group, DOE also held meetings with HUD throughout the regulatory process and engaged in discussions with the Manufactured Housing Consensus Committee. *See* 81 FR 39762–39763, 39765. It has also conferred with various other stakeholders. *See id.* 81 FR 39763, 39765.

On June 17, 2016, DOE published in the **Federal Register** a NOPR, which, in addition to comprehensively describing DOE's analysis, was accompanied by a technical support document detailing DOE's analyses supporting that proposal. *See* 81 FR 39756. See also Document ID EERE–2009–BT–BC–0021–0136.[5] The agency also prepared a draft environmental assessment pursuant to the National Environmental Policy Act, on which it sought public input, particularly regarding the impacts of the proposed standards on the indoor air quality of manufactured homes. *See* Draft Environmental Assessment for Notice of Proposed Rulemaking, ''Energy Conservation Standards for Manufactured Housing'' With Request for Information on Impacts to Indoor Air Quality, 81 FR 42576 (June 30, 2016). DOE received nearly 50 comments on the proposed rule during the comment period. After considering those comments, DOE prepared a draft final rule governing energy efficiency in manufactured housing and submitted it to OIRA for review under Executive Order 12866. OIRA received the draft final rule on November 1, 2016.[6] Again,

[1] HUD describes its Manufactured Housing Consensus Committee as ''a statutory Federal Advisory Committee body charged with providing recommendations to the Secretary on the revision and interpretation of HUD's manufactured home construction and safety standards and related procedural and enforcement regulations. The [Committee] is charged with developing proposed model installation standards for the manufactured housing industry.'' *https://www.hud.gov/program_offices/housing/rmra/manufacturedhousings/cc1* (last accessed on July 9, 2018).

[2] The withdrawn date can be found at *https://www.reginfo.gov/public/do/eoAdvancedSearch* and entering ''1904–AC11'' for the RIN and checking ''Concluded'' under ''Review Status''. Additionally, while the OIRA review was ongoing, on June 25, 2013, DOE published a request for information in which it sought additional public input regarding four identified issues related to its rulemaking. See Energy Efficiency Standards for Manufactured Housing, 78 FR 37995, 37996–37997 (June 25, 2013).

[3] *See also* Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC)—Manufactured Housing Working Group, 79 FR 48097 (August 15, 2014); Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC)—Manufactured Housing Working Group, 79 FR 59154 (October 1, 2014).

[4] Available at: *https://www.regulations.gov/document?D=EERE-2009-BT-BC-0021-0107.*

[5] Available at: *https://www.regulations.gov/document?D=EERE-2009-BT-BC-0021-0136.*

[6] *See supra,* note 2. On November 9, 2016, DOE also published a notice of proposed rulemaking for test procedures, as a companion to the draft energy efficiency standards rule for manufactured housing. *See* Energy Conservation Program: Test Procedures for Manufactured Housing, 81 FR 78733 (November 9, 2016). Test procedures specify how those subject

however, DOE's draft final rule did not clear the OIRA review process and was withdrawn on January 31, 2017.[7]

II. Request for Information

Since the publication of DOE's proposals, the agency has re-examined its available data and re-evaluated its approach in developing standards for manufactured housing. In particular, HUD made DOE aware of the adverse impacts on manufactured housing affordability that would likely follow if DOE were to adopt the approach laid out in its June 2016 proposal. As a result, and in consideration of specific suggestions offered by HUD, DOE initiated a review of its data and analysis and has begun reconsidering the framework to use in regulating these structures. In particular, DOE had previously considered a regulatory regime similar to the one it administers with regard to appliance and commercial equipment standards, *i.e.,* setting a uniform, minimum mandatory level of efficiency that must be achieved by all subject products. However, DOE's authority to establish energy efficiency standards for appliance standards is separate from its authority to establish energy conservation standards for manufactured homes. Thus, DOE is examining if it must set a single, mandatory level of efficiency. As a result of this re-examination, DOE developed a number of alternatives on which it seeks further input from the public. These alternatives would facilitate a variety of different levels of efficiency. In developing these alternatives, DOE gave careful consideration to a variety of factors, including the first-time costs related to the purchase of these homes. In the following sections, DOE presents a series of issues on which it seeks input to aid in the development of the technical and economic analyses regarding each of these potential alternatives to the proposed regulatory framework contained in DOE's June 2016 standards proposal.

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

A. June 2016 Proposal's Analytical Assumptions

As with any of its appliance and equipment standards rulemaking proposals, DOE made a number of analytical assumptions to determine what minimum level of efficiency it should use in establishing mandatory energy conservation standards for manufactured housing. These assumptions spanned a variety of factors, including affordability, which climate zones to use, which solar heat gain coefficient (''SHGC'') to use in a given climate zone, the price elasticity value to use in DOE's calculation of potential impacts, whether to include certification, compliance, and enforcement costs as part of DOE's analysis, and whether the tightening of a manufactured home's building envelope—which is what the proposed standards were designed to help accomplish—would impact indoor air quality by increasing the likelihood of trapping pollutants inside the building.

Issue 1: What analytical aspects related to DOE's June 2016 proposal—aside from those specifically noted later in this document—should DOE consider re-examining as part of its ongoing consideration of a final rule for manufactured housing? (Within this context, this request also encompasses whether DOE's analysis sufficiently addresses the cost-effectiveness of standards based on the current IECC code when considering the code's impact on both the purchase price of manufactured housing and on total life-cycle construction and operating costs. *See* 42 U.S.C. 1771(b)(1). Why should DOE reconsider these aspects and what specific changes, if any, should DOE make to them? As part of this request, DOE is interested in any specific supplemental supporting data regarding any changes that commenters may suggest.

Additionally, in further researching the manufactured housing market, DOE has examined additional information from a variety of sources. Of particular note is information from the Consumer Financial Protection Bureau (''CFPB''), which released a report in 2014 that focused on this particular market.[8] That report, ''Manufactured-Housing Consumer Finance in the United States,'' [hereinafter, ''CFPB Report''] detailed the characteristics of manufactured housing consumers and the market for manufactured home financing. Key findings from the report include:

- Manufactured home ownership varies widely by region, with the majority of manufactured homes located outside of metropolitan areas;
- Manufactured home owners tend to have lower incomes and less net worth than their counterparts who own site-built homes;
- There is an extremely constrained secondary market for manufactured homes, following the collapse of the manufactured home market in the late 1990s through the early 2000s;
- Most manufactured-housing purchasers who finance their homes obtained a loan of between $10,000 and $80,000, with a median loan value of $55,000.

These data suggest that manufactured housing purchasers face substantial constraints compared to traditional home purchasers. In turn, these constraints may make purchasers of manufactured homes more price-sensitive to potential changes that would impact the costs to construct (and purchase) a manufactured home.[9]

The CFPB data also point to certain key demographic characteristics. On a regional level, the CFPB noted that manufactured housing is more common in certain regions than others—with this type of housing being more common in the South and the West than in certain Northeastern states. Manufactured homes are also much more prevalent in rural areas, with about ⅔ of all occupied manufactured homes being located outside of metropolitan statistical areas; in these areas, 14% of homes are manufactured homes. Manufactured housing as a proportion of occupied housing units is lowest in Maryland, New Jersey, Connecticut, Hawaii and Massachusetts (1%) and highest in South Carolina, New Mexico, and Mississippi (17%, 16%, and 15%, respectively). *See* CFPB Report, at 10–12.

to energy efficiency standards are to confirm products are in compliance with such standards.

[7] *See supra,* note 2.

[8] See *https://files.consumerfinance.gov/f/201409_cfpb_report_manufactured-housing.pdf.*

[9] The CFPB Report also suggests that manufactured home consumers are particularly cost-driven: ''There is evidence that some households who move into manufactured housing are less satisfied with their homes than those who choose to move into site-built housing. These results suggest that for at least some households, the choice to live in a manufactured home may be more cost-driven than quality-driven.'' CFPB, *Manufactured-housing consumer finance in the United States,* at 22 (September 2014) [hereinafter, ''CFPB Report''] (available at *http://files.consumerfinance.gov/f/201409_cfpb_report_manufactured-housing.pdf*).

Further, manufactured home owners are more likely to be older and likely to have lower incomes or net worth. The median annual income of families living in manufactured homes is also slightly over $26,000, and the median net worth of these families is $26,000 (a quarter of that of families in site-built homes). *See id.* at 16–18.

The CFPB also made a number of other observations with respect to the available financial data it examined.

First, it indicated that the manufactured home market collapsed in the late 1990s through the early 2000s as consumers experienced loan repayment difficulties driven by low-quality manufactured home lending. Following the collapse, at least eight large lenders exited the manufactured home lending market, some of which drove losses in the secondary market. *See generally id.* at 26–29. At the time of CFPB's report, sales and production remained depressed with an extremely constrained resale market for manufactured homes. *See id.* at 6, 26–28, 37.

Second, most manufactured-housing purchasers finance between $10,000 and $80,000, with a loan median of $55,000. *See id.* at 30. Owners of manufactured homes finance different amounts depending on whether they finance the costs of only the manufactured home or the costs of both the home and the land on which it is sited. *See id.* at 21.

Manufactured home owners who finance their homes tend to pay higher interest rates than their site-built home counterparts. A key reason for this difference is that the vast majority of manufactured housing stock is titled as chattel, and as a result is eligible only for chattel financing. Chattel financing is typically offered to purchasers at a significantly higher interest rate than the rates offered to their site-built home counterparts. While some manufactured home owners who also own the land on which the manufactured home is sited may be eligible for mortgage financing, there is a tradeoff between lower origination costs with significantly higher interest rates (chattel loans) and higher origination costs with significantly lower interest rates and greater consumer protections (mortgage). *See id.* at 23–25.

Issue 2: a. DOE seeks comment regarding the CFPB's findings. Are these findings reasonably accurate or are there other factors that DOE should consider when determining the economic impact of energy conservation standards on the ability of purchasers to buy manufactured homes? Assuming that these findings are reasonably accurate, what role, if any, should they play in shaping the standards that DOE ultimately adopts for manufactured housing and why? If the CFPB's findings are not accurate, what specific shortcomings do they have and what assumptions/changes should DOE apply when determining the stringency and types of standards the agency should establish for manufactured housing?

b. DOE's own data from its Residential Energy Consumption Survey of 2015 suggests that manufactured housing households pay about 60% more for their energy per square foot than the entire housing stock. Is this estimate accurate—and if so, why? What specific factors contribute to this condition? If this estimate is not accurate, why—what specific factors are being overlooked in the survey that contribute to this inaccuracy?

B. Ownership-Related Costs

DOE's analysis for its June 2016 proposal considered the economic impacts of the proposed standards on individual manufactured home purchasers. Similar to its approach toward appliance standards, these analyses focused on the prospect of applying a single, uniform minimum standard that all manufactured homes of a given size (single- or multi-section) and in a given climate zone (*i.e.,* region of the country would need to meet. Necessarily, this approach examined the overall economic impacts in a broad fashion by applying a uniform standard to all manufactured housing units within a given climate zone and home size category. However, the approaches that the Department has taken with respect to appliance standards may not be suitable in the case of manufactured housing, which fills a distinct need for housing for a particular subset of consumers. In particular, under the statutory provision requiring the Department to develop standards for manufactured housing, the standards must generally be based on the most recent version of the IECC, except where DOE finds that the IECC is not cost effective, or a more stringent standard would be more cost effective. A finding that standards based on the IECC are not cost effective or that standards more stringent than the IECC are cost effective would be based on the impact of the adoption of the IECC standards on the purchase price of manufactured housing and on total life-cycle construction and operating costs. As a result, the approach presented by the working group (and adopted by DOE in its proposal) may have inadvertently overlooked certain factors and yielded an incomplete picture regarding the potential impacts flowing from its proposal and whether the standards must be based on the most recent version of the IECC. Consequently, DOE is seeking comment on a variety of issues related to these factors to help further inform its views regarding the economic impacts related to the establishment of energy efficiency standards for manufactured housing, and how those impacts effect use of the most recent version of the IECC.

Issue 3: Manufactured housing owners tend to be lower-income than other homeowners,[10] and are also likely to finance their manufactured housing purchase using high-rate chattel loans. As a result, the Department is particularly interested in comments and data regarding the affordability of manufactured housing and how the options outlined in this NODA would affect upfront manufactured housing affordability. DOE also seeks comment on whether and how the different approaches outlined in this NODA would differently affect the affordability of manufactured homes.

Additionally, as part of this inquiry, DOE seeks public input on each of the following items:

a. Affordability is a combination of upfront cost, which may price out some consumers at time of purchase, and operating costs, which will affect all manufactured housing owners over a longer time horizon. The Department seeks comments that provide information on how to weigh these components in defining ''affordability,'' with particular focus on affordability for low-income consumers.

b. The Department also seeks comment on what a reasonable payback period might be for efficiency in manufactured homes, and any relevant tradeoffs between upfront cost and payback period that the Department should consider to avoid creating a situation where the upfront cost increases may price consumers out of the market for new homes, even if those costs might be recouped over time. While the cost of site-built home efficiency upgrades may be recouped when an owner sells the home, the same may not be true of manufactured homes because (1) manufactured housing owners have relatively short tenancies [11]

[10] ''Certain consumer segments are disproportionately represented among owners and renters of manufactured homes, in particular older consumers, consumers that have completed only high school, households with relatively low income, and households with relatively low net worth.'' CFPB Report, at 13.

[11] *See* Consumer Financial Protection Bureau, Manufactured-housing consumer finance in the United States, September 2014 at 42–43: *http://files.consumerfinance.gov/f/201409_cfpb_report_manufactured-housing.pdf.*

and (2) the resale market for manufactured housing is highly constrained,[12] such that the original owner will likely not recoup upfront efficiency investments if the payback period exceeds tenancy. DOE seeks additional information from commenters on the manufactured housing resale market that would inform the Department's consideration of what a reasonable payback period would be. If available, the Department also seeks information on the distribution of manufactured housing tenancy rates.

c. The Department is also interested in comments that inform whether special consideration should be given to affordability, particularly given that low-income and older consumers are disproportionately represented among manufactured housing owners.[13] Executive Order 13563, which reinforces the principles of Executive Order 12866, indicates that agencies ''may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts'' [14] where appropriate and permitted by law.

d. The Department seeks data and information regarding basing standards on the most recent version of the IECC, in particular, whether standards based on the most recent version of the IECC would not be cost effective or that standards more stringent than the most recent version of the IECC would be cost effective, in either case based on the impact of the adoption of the IECC standards on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

Issue 4: DOE is aware that efficiency standards for manufactured housing may affect consumers in different regions differently, and seeks information on (1) the disparate regional effects of a standard, and (2) whether these effects are mitigated by use of tiered standards or a tiered labeling program.

Issue 5: DOE seeks to better understand the market for manufactured homes. Available sources provide information regarding the average or median manufactured housing purchase price [15] or the proportion of manufactured housing owners who borrowed different amounts to finance their manufactured housing purchase,[16] but do not directly show the distribution of manufactured housing prices across the market and the percentage of consumers who purchase at each price category. DOE is interested in such information, particularly to the extent that such information could inform the consideration of threshold standards.

C. Prescriptive and Performance-Based Standards

In DOE's June 2016 standards proposal, the agency laid out two possible approaches it was considering at the time. The first option involved potential prescriptive requirements that would apply to a variety of components used in constructing the thermal envelope of a given manufactured home. These requirements laid out prescribed specifications related to thermal resistance (R-value) for wall, ceiling, and floor insulation, thermal transmittance specifications (U-factor) for windows, skylights, and doors, and glass glazing (SHGC) requirements. *See* 81 FR 39757. These prescriptive levels would vary based on the climate zone in which the home is located. 81 FR 39766. The second option presented a potential performance-based approach that would establish a maximum overall thermal transmittance for requirement for the building structure's thermal envelope (Uo) and set additional U-factor and SHGC requirements. *See id.* Like with the prescriptive approach, these requirements would also vary by climate zone.

In addition to these approaches, DOE also considered including provisions for determining U-factor, R-value, SHGC, and Uo. It also considered establishing prescriptive requirements for installation of insulation and sealing the building's thermal envelope and duct system to limit air leakage, which would in turn reduce potential thermal losses. *See id.*

Issue 6: DOE is interested in feedback regarding whether any aspects of its 2016 proposal need further consideration and if so, why. For comments pointing to weaknesses or strengths with respect to DOE's proposal, the agency seeks any supporting data in addition to that which DOE has already made public as part of the manufactured housing standards rulemaking docket.

D. Alternative Approaches

DOE is also considering an altogether different approach consisting of incremental packages that maximize energy savings of a manufactured home within certain incremental cost parameters. These options respond to concerns from stakeholders, including HUD, regarding the potentially prohibitive upfront costs of its 2016 proposed standards. As a result, this analysis illustrates packages that maximize energy savings within incremental cost thresholds of $500, $1,000, or $1,500. DOE is seeking comment on whether any of the cost threshold packages presented here (*i.e.* either $500, $1,000, or $1,500), when applied as a national standard, would address the concerns of stakeholders regarding the high upfront cost of its 2016 proposed standards. Further, DOE developed two sets of cost threshold packages: One set includes envelope and duct sealing as options to include in the cost threshold packages, and one set does not include envelope and duct sealing regardless of cost effectiveness.

Unlike the tiered standards discussed in this NODA, these cost threshold packages illustrate the costs and benefits of a potential national standard that would apply across the fleet of manufactured homes. However, given the Department's interest in tailoring its standards to consumers with differing preferences and needs, DOE is also soliciting comments on whether it can employ a tiered approach to these standards, wherein the $500, $1,000, and $1,500 cost packages could be applied to, or offered as an option for, various segments of the market for manufactured homes.

The Department also recognizes the value of providing accurate information on potential energy savings. In addition to being low incremental or additional cost to manufacturers, better informed consumers are empowered to make choices that meet their individual needs for energy savings within their own personal economic circumstances. This approach builds on the guidance in Executive Order 12866, which instructs each agency to identify opportunities to provide information the public can use to make informed choices.[17] To this end, the Department is considering a tiered labeling approach that would classify various levels of energy savings based on stringency and categorize these options within certain tiers, such as a Brass, Bronze, Silver, Gold, and Platinum tier, wherein the Platinum tier

[12] Kevin Jewell. ''Manufactured Housing Appreciation: Stereotypes and Data.'' Consumers Union, Southwest Regional Office. May 2003. Page 6. *http://consumersunion.org/pdf/manufacturedhousing/Appreciation.pdf.*

[13] *See* footnote 10, supra.

[14] Executive Order 13563, Section 1(c), 76 FR 3821 (January 21, 2011).

[15] *See* U.S. Census Bureau, *Cost and Size Comparison: New Manufactured Homes and Single-Family Site Built Homes (2007–2014),* for example.

[16] *See* Consumer Financial Protection Bureau, *Manufactured-housing consumer finance in the United States,* September 2014, for example.

[17] Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993) (Section 1(b)(3)).

would represent the most efficient products on the market and Brass would represent the least efficient.

Consequently, DOE is evaluating the following options:

Package 1—This package would maximize the energy savings of a manufactured home at an upfront cost of either $500, $1,000, or $1,500. The accompanying analysis illustrates the associated lifecycle costs and payback period for each potential standard level across climate zones.[18] This package would exclude envelope and duct sealing to maximize energy savings under any of the cost threshold options examined.

Package 2—Like Package 1, this package would maximize the energy savings of a manufactured home at an upfront cost of either $500, $1,000, or $1,500. The accompanying analysis illustrates the associated lifecycle costs and payback period for each potential standard level across climate zones.[19] Unlike Package 1, this package would allow envelope and duct sealing to maximize energy savings under all of the cost threshold options examined.

Package 3—Rather than setting a national standard within a specified cost threshold, this option would create a framework where several different tiers of energy efficiency would be offered to consumers based on their particular needs and pricing sensitivities. These tiers would be based on cost increments, which, for purposes of DOE's current analysis, would be based on $500 increments with a cap at $1,500.

Package 4—This package would require each manufactured home to include a label prior to sale indicating expected energy use and savings. The labeling system would be tiered in the sense that different levels of energy savings would be labeled differently, such as by being categorized with a Brass, Bronze, Silver, Gold, or Platinum rating. These tiers would be based on potential energy savings. The Department is considering this package in conjunction with any of the other alternatives discussed above or with potential alternatives that may be suggested in response to this request for comment.

Package 5—Finally, to ensure that manufactured housing continues to be a viable source for affordable housing, this package would exclude all manufactured homes with a cost level and retail purchase price (not including land costs) equal to or less than the loan limit established in accordance with Section 2(b)(1)(C) of the National Housing Act, 12 U.S.C. 1703(b)(1)(C), plus 5% (Title I Loan Limits). (Currently = $73,162 or 1.05 × $69,678.) Similarly, under this package, DOE would apply a higher price threshold ($294,515) under the same conditions—*i.e.* cost level and purchase price (not including land costs)—that would encourage (but not require) manufactured housing at a certain price to meet DOE's standards. For all other manufactured housing that exceeds this level, DOE could apply one of the package approaches described under Packages 1 through 4.

In evaluating these various options, DOE is considering a scenario where manufacturers continue to offer more economical versions of manufactured homes for certain segments of the market that are currently available but that may not necessarily fall into one of the cost incremental categories described above. A regime in which manufacturers continue to offer those manufactured homes that are currently available on the market as well as variants at greater levels of efficiency would allow particularly price sensitive individuals who may not have the financial means to pursue other housing options to maintain their ability to purchase a manufactured home of their choice while also allowing those with greater means who desire increased energy efficiency to purchase a manufactured home that suits their desires. Under any of these scenarios, DOE would consider developing a labeling framework to inform consumers regarding these options. DOE also seeks comment on implementing a tiered labeling system in conjunction with the other options discussed in this document to address any potential information asymmetry and preserve consumer choice.

Issue 7: DOE seeks comment on whether it should consider and implement a cost-based tier structure with respect to regulating the energy efficiency of manufactured housing. DOE notes that a tiered approach could better address some of the concerns that may exist with respect to the first-time costs that purchasers may encounter with more efficient—but more expensive—manufactured homes. If so, why—and if not, why not?

Issue 8: Consumers may fail to optimize the efficiency of their homes due to a lack of available information on the benefits of energy savings. Recognizing this, the NODA presents an option that would provide tiered labeling for consumers to compare and contrast information on upfront costs and long-term energy savings across manufactured housing structures. The Department is seeking comments on the benefit of providing consumers with such information, which preserves consumer choice, and the best way to provide consumers with information that they can easily understand and put to use.

a. What information is available to consumers when they make manufactured housing purchasing decisions, and what additional information would be useful? Further, how can the Department add value in the provision and display of information?

b. DOE seeks comments regarding whether access to information is a barrier to manufactured housing consumers, and if so, what is the magnitude of this barrier (*i.e.* to what extent does the lack of information prevent consumers from purchasing efficient homes)?

Issue 9: DOE is also considering a number of approaches that would increase consumer access to information and increase the efficiency of manufactured homes.

a. In weighing these approaches, the Department seeks comment on the advantages and disadvantages of using a tiered approach for efficiency standards versus using a single national standard that would apply to all manufactured homes within a single climate zone. DOE also seeks information regarding what a labeling framework would need to consider if a tiered approach were used and what the costs of such an approach would likely be. The Department further seeks comment on the advantages and disadvantages of using a tiered approach to labeling requirements versus a single national labeling standard for manufactured homes.

b. Within the tiered options discussed above, the Department seeks public input on what the appropriate criteria are to use for establishing thresholds (*e.g.,* price, cost, region, etc.) and how best to define these criteria (*e.g.,* manufacturer added cost, retail price, etc.). DOE also seeks public input on other factors that it should consider when establishing tiered standards.

With respect to tightening a manufactured home's building envelope, the agency notes that this technique appears to be a cost-effective way to increase energy efficiency. However, many previous commenters, including HUD's Manufactured Housing Consensus Committee, raised the possibility that sealing requirements may pose challenges for indoor air

[18] *See https://www.regulations.gov/document?D=EERE-2009-BT-BC-0021-0200.*

[19] *See* footnote 18, supra.

quality.[20] Degraded indoor air quality could introduce additional costs in terms of health and safety or operation and maintenance that may impede the cost efficacy of these approaches.

Previous commenters have submitted existing literature on manufactured housing indoor air quality, including a report from the Centers for Disease Control and Prevention (''CDC''), an agency within the Department of Health and Human Services (''HHS''). The CDC report, which was prepared in conjunction with HUD, found generally that indoor air can contain a number of contaminants that contribute to health complaints, and that indoor air quality is of particular concern in manufactured housing due to its confined spaces and, in some cases, lower ventilation and air exchange rates.[21] In addition, the CDC report found that ''manufactured structures with relatively less air circulation may develop higher levels of indoor contaminants.'' However, comprehensive data on air quality in manufactured homes was unavailable at the time of CDC's report.[22]

Issue 10: Is new information available on the relationship between tightening the home envelope and indoor air quality? If so, what is the nature of that information, why should DOE consider it, and how should the agency integrate it into its analyses?

Issue 11: DOE is particularly interested in baseline measures of air flow in recently-built manufactured housing against which to measure any potential reductions in air changes per hour (''ACH''). DOE also seeks information related to what the appropriate ACH threshold is for maintaining adequate indoor air quality.[23]

Issue 12: What potential health and safety costs of incremental reductions in ACH and/or indoor air quality should the Department consider when evaluating this approach and why? What steps should DOE consider taking to reduce these costs while preserving indoor air quality for manufactured home residents and what disadvantages, if any, are there to each of these specific steps?

Issue 13: Regarding the overall structure of DOE's approach to its proposed climate zones, should these zones be reconsidered—and if so, why? Should DOE use HUD's existing climate zones? If DOE were to develop its own climate zones, what factors should it consider in doing so? What factors would support the continued use of the proposed climate zones and how do those factors weigh against using HUD's existing climate zones or in favor of adjusting them further?

E. Compliance Lead-Times

The June 2016 proposal used a compliance date lead-time of one year from the publication of a final rule. DOE proposed a lead-time of one year under the belief that this amount of time would be sufficient to allow manufacturers to transition their designs, materials, and factory operations and processes to comply with the finalized version of the energy conservation standards that DOE considered adopting. In light of the amount of time that has elapsed since the date of DOE's June 2016 proposal, and the possibility that the agency may explore an alternative approach for regulating the energy efficiency of manufactured homes through the use of a tiered system along with variants of DOE's earlier proposal that would rely on HUD's three climate zones, DOE is interested in soliciting public comment on whether its proposed lead-time remains appropriate.

Issue 14: Should DOE continue to apply a one year lead-time to the energy conservation standards for manufactured housing? Does the approach—*i.e.* single uniform national standard versus a multi-tiered national standard—impact the amount of lead-time manufacturers would require to meet the applicable standards? If so, why—and if not, why not? If DOE were to adopt an approach that presented different compliance options in the form of cost-based tiers, would manufacturers require more, less, or the same amount of lead-time as the agency's proposal (*i.e.* one year)? Why or why not?

Issue 15: With respect to the manufactured housing standards that DOE promulgates, DOE seeks comment on what enforcement mechanism would be the most appropriate to apply and why. In considering enforcement mechanisms, DOE is interested in information concerning the burden and cost impacts for suggested approach(es), as well as the compliance lead-time needed by the industry. Further, DOE seeks information as to whether enforcement cost of any suggested approach may extend beyond the manufacturing industry to the sales and distribution channels that interface with prospective purchasers.

III. Submission of Comments

DOE invites all interested parties to submit in writing by the date listed in **DATES**, comments and information on matters addressed in this notice and on other matters relevant to DOE's consideration of energy conservation standards for manufactured housing. These comments and information will aid in the development of energy conservation standards for these structures.

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

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

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

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your

[20] *https://www.regulations.gov/document?D=EERE-2009-BT-BC-0021-0162.*

[21] CDC and HHS. Safety and Health in Manufactured Structures (2011) [hereinafter, ''Safety and Health''].

[22] Safety and Health, at p. 25.

[23] As of 2003, ASHRAE and HUD had established a minimum whole-house ventilation requirement of 0.35 ACH for achieving appropriate indoor air quality. See *https://www.huduser.gov/publications/pdf/moisturereport.pdf.*

comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

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

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

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

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

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

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

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

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

Signed in Washington, DC, on July 31, 2018.

Cathy Tripodi,

Acting Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–16650 Filed 8–2–18; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 308 and 327

RIN 3064–AE75

Rules of Practice and Procedure

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) proposes to amend its rules of practice and procedure to remove duplicative, descriptive regulatory language related to civil money penalty (CMP) amounts that restates existing statutory language regarding such CMPs, codify Congress's recent change to CMP inflation-adjustments in the FDIC's regulations, and direct readers to an annually published notice in the **Federal Register**—rather than the Code of Federal Regulations (CFR)—for information regarding the maximum CMP amounts that can be assessed after inflation adjustments. These revisions are intended to simplify the CFR by removing unnecessary and redundant text and to make it easier for readers to locate the current, inflation-adjusted maximum CMP amounts by presenting these amounts in an annually published chart. Additionally, the FDIC proposes to correct four errors and revise cross-references currently found in its rules of practice and procedure.

DATES: Comments must be received by October 2, 2018.

ADDRESSES: You may submit comments, identified by RIN 3064–AE75, by any of the following methods:

- *Agency website: http://www.fdic.gov/regulations/laws/Federal/.* Follow the instructions for submitting comments on the Agency website.
- *Email: Comments@fdic.gov.* Include the RIN 3064–AE75 in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Public Inspection: All comments received must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/Federal/*—including any personal information provided—for public inspection. Paper copies of public comments may be ordered from the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226 by telephone at (877) 275–3342 or (703) 562–2200.

FOR FURTHER INFORMATION CONTACT: Graham N. Rehrig, Senior Attorney, Legal Division, (202) 898–3829, *grehrig@fdic.gov,* or Sydney Mayer, Attorney, Legal Division, (202) 898–3669.

SUPPLEMENTARY INFORMATION:

I. Policy Objectives

The policy objective of the Proposed Rule is to simplify the presentation of maximum CMP amounts within 12 CFR part 308 to support ease of reference and public understanding. The Proposed Rule will amend the presentation of maximum CMP limits to help ensure consistency with similar statutes of other Federal financial regulators.[1] Additionally, the Proposed Rule will implement recent Office of Management and Budget (OMB) guidance on simplifying the publication of annual inflation adjustments.

II. Background

The FDIC assesses CMPs under section 8(i) of the Federal Deposit Insurance Act (FDIA) (12 U.S.C. 1818) and a variety of other statutes.[2] Congress has established maximum penalties that can be assessed under these statutes. In many cases, these statutes contain multiple penalty tiers, permitting the assessment of penalties at various levels depending on the severity of the misconduct at issue.[3]

Since 1990, Congress has required Federal agencies with authority to impose CMPs to periodically adjust the maximum CMP amounts these agencies are authorized to impose.[4] These periodic updates have helped to ''maintain the deterrent effect of civil monetary penalties and promote compliance with the law.'' [5] In 2015, Congress revised the process by which Federal agencies adjust applicable CMPs for inflation.[6] Under the 2015 Adjustment Act, the FDIC is required to make annual adjustments to its maximum CMP amounts to account for inflation.[7] These adjustments apply to all CMPs covered by the 2015 Adjustment Act.[8] The 2015 Adjustment Act requires annual adjustments be made by January 15 of each year.[9] The FDIC's 2018 adjustments were published on January 12, 2018.[10]

The 2015 Adjustment Act directs Federal agencies to follow guidance issued by the OMB by December 15 of each year when calculating new maximum penalty amounts.[11] The OMB issued guidance for the 2018 CMP adjustments on December 15, 2017.[12] The OMB Guidance noted, ''Some agencies have chosen to remove their specific penalty amounts from the CFR and have instead codified the statutory formula for inflation adjustments. Agencies must still calculate and publish their penalty adjustments in the **Federal Register**.'' [13]

III. Description and Expected Effects of the Proposed Rule

The FDIC proposes amending its rules of practice and procedure to remove from the CFR descriptive regulatory language related to maximum CMP amounts that duplicates statutory language, codify the statutory formula for inflation adjustments to the maximum CMP amounts, and direct readers to a table published annually in the **Federal Register**, containing the inflation-adjusted maximum CMP amounts. These proposed changes would be consistent with the OMB Guidance and the practices of other Federal regulators.

Currently, 12 CFR 308.116(b) and 308.132(d) contain the maximum CMP amounts that may be assessed for violations of various statutes, along with lengthy descriptions of these statutes. Rather than providing any interpretation of these statutes or providing guidance regarding the assessment of CMPs for violations of these statutes, the descriptive language contained in §§ 308.116(b) and 308.132(d) merely restates the enabling statutory language. The FDIC's current format for identifying inflation-adjusted CMP figures differs significantly from the formats published by other prudential regulators [14] and makes it more difficult for readers to locate applicable maximum CMP amounts. Accordingly, the FDIC proposes removing descriptive language found in §§ 308.116(b) and 308.132(d). The FDIC believes that these changes will remove unnecessary and redundant language from the CFR and improve readability.

A sample annual table containing the current maximum CMP amounts—effective as of January 15, 2018—appears at the end of this section, for reference. Under the Proposed Rule, the FDIC would calculate and publish a similar chart with inflation-adjusted figures in the **Federal Register** on or before January 15 of each calendar year.

The FDIC, however, proposes to retain language in § 308.116(a), (c), and (d) concerning violations of the Change in Bank Control Act. These regulations, which the FDIC implemented in 1991, address requests for a hearing, mitigating factors, and the consequences of a respondent's failure to answer.[15] The language in current § 308.116(b)(1) through (3), however, repeats the relevant statutory language of 12 U.S.C. 1817(j)(16)(A)-(D). Further, current § 308.116(b)(4) merely contains inflation adjustments. Therefore, the FDIC proposes removing current § 308.116(b) and instead directing readers to § 308.132(d) to determine current maximum CMP amounts.

The FDIC also proposes to keep language concerning the late filing of Call Reports at current § 308.132(d)(1) and (d)(3). 12 U.S.C. 1817(a) provides the maximum CMP amounts for the late

[1] *See* 12 CFR 19.240 and 83 FR 1657 (Jan. 12, 2018) (table containing the CMP adjustments published by the Office of the Comptroller of Currency); 12 CFR 263.65 (table containing the CMP adjustments published by the Board of Governors of the Federal Reserve System); 12 CFR 747.1001 (table containing the CMP adjustments published by the National Credit Union Association).

[2] *See, e.g.,* 12 U.S.C. 1972(2)(F) (authorizing the FDIC to impose CMPs for violations of the Bank Holding Company Act of 1970 related to prohibited tying arrangements); 15 U.S.C. 78u-2 (authorizing the FDIC to impose CMPs for violations of certain provisions of the Securities Exchange Act of 1934); 42 U.S.C. 4012a(f) (authorizing the FDIC to impose CMPs for pattern or practice violations of the Flood Disaster Protection Act).

[3] For example, 12 U.S.C. 1818(i)(2) provides for three tiers of CMPs, with the size of the CMP increasing with the gravity of the misconduct.

[4] *See* The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410.

[5] *See* section 2 of the Federal Civil Penalties Inflation Adjustment Act of 1990. Public Law 101–410, 104 Stat. 890 (amended 2015) (codified as amended at 28 U.S.C. 2461 note).

[6] *See* The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, sec. 701, 129 Stat. 584 (2015 Adjustment Act). Although the 2015 Adjustment Act increased the maximum penalty that may be assessed under each applicable statute, the FDIC still possesses discretion to impose CMP amounts below the maximum level in accordance with the severity of the misconduct at issue. When making a determination as to the appropriate level of any given penalty, the FDIC is guided by statutory factors set forth in 12 U.S.C. 1818(i)(2)(G) and those factors identified in the Interagency Policy Statement Regarding the Assessment of CMPs by the Federal Financial Institutions Regulatory Agencies. *See* 63 FR 30227 (June 3, 1998). Such factors include, but are not limited to, the gravity and duration of the misconduct and the intent related to the misconduct.

[7] *See* 2015 Adjustment Act at sec. 701(b).

[8] *See* Public Law 101–410, sec. 3(2), 104 Stat. 890 (amended 2015) (codified as amended at 28 U.S.C. 2461 note).

[9] Public Law 114–74, sec. 701(b), 129 Stat. 584.

[10] *See* 83 FR 1519, *available at https://www.fdic.gov/news/board/2017/2017-12-19-notice-sum-b-fr.pdf.*

[11] *See* Public Law 114–74, sec. 701(b), 129 Stat. 584.

[12] OMB, Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M–18–03 (OMB Guidance), *available at https://www.whitehouse.gov/wp-content/uploads/2017/11/M-18-03.pdf.*

[13] OMB Guidance at 4 (citing 81 FR 41438 (June 27, 2016) (Social Security Administration) (codified at 29 CFR 498.103(g))).

[14] The OCC, the FRB, and the National Credit Union Association (NCUA) provide a simplified list in a tabular format, identifying each enabling statute and the associated maximum CMP amount, adjusted for inflation. *See* 12 CFR 19.240 and 83 FR 1657 (Jan. 12, 2018) (table containing the OCC's CMP adjustments); 12 CFR 263.65 (table containing the FRB's CMP adjustments); 12 CFR 747.1001 (table containing the NCUA's CMP adjustments).

[15] *See* 56 FR 37968 (Aug. 9, 1991).

filing of Call Reports. In 1991, however, the FDIC issued regulations that further subdivided these amounts based upon the size of the institution and the lateness of the filing.[16] These regulations accordingly differ from other provisions found in § 308.132(d) that simply restate relevant statutory language regarding maximum CMP amounts. The Proposed Rule would merge language from current § 308.132(d)(1) and (3) into a new § 308.132(e), since, aside from the differing penalty amounts, these two current subsections contain similar language. The new § 308.132(e) would direct readers to the **Federal Register** to determine the applicable inflation-adjusted penalty amounts.

The FDIC proposes correcting four errors currently located at § 308.132(d)(1) and (3) concerning the maximum amount that generally will be assessed for violations of 12 U.S.C. 1464(v) and 1817(a) regarding the late filing of Call Reports by certain small institutions. The current text contains the inadvertent overstatement of four fractions of an institution's total assets that are paired with correctly stated basis-point figures. These corrections would align the listed fractions of an institution's total assets with the listed basis-point calculations, and these corrections would be reflected in the annual **Federal Register** CMP notice.[17]

Lastly, the FDIC proposes to revise cross-references found at 12 CFR 308.502(a)(6), 12 CFR 308.502(b)(4), 12 CFR 308.530, and 12 CFR 327.3(c) to reflect the proposed revisions to 12 CFR 308.132(d).

Since the Proposed Rule would amend the presentation of maximum CMP levels in the **Federal Register**, the FDIC believes the rule will not pose any regulatory costs to IDIs or cost to the public in general.

SAMPLE CIVIL MONEY PENALTY TABLE

U.S. Code citation	Adjusted Maximum CMP [18] (Beginning January 15, 2018)
12 U.S.C. 1464(v):	
Tier One CMP	$3,928
Tier Two CMP	$39,278
Tier Three CMP [19]	$1,963,870
12 U.S.C. 1467(d)	$9,819
12 U.S.C. 1817(a):	
Tier One CMP [20]	$3,928
Tier Two CMP	$39,278
Tier Three CMP [21]	$1,963,870
12 U.S.C. 1817(c):	
Tier One CMP	$3,591
Tier Two CMP	$35,904
Tier Three CMP [22]	$1,795,216
12 U.S.C. 1817(j)(16):	
Tier One CMP	$9,819
Tier Two CMP	$49,096
Tier Three CMP [23]	$1,963,870
12 U.S.C. 1818(i)(2) [24]	
Tier One CMP	$9,819
Tier Two CMP	$49,096
Tier Three CMP [25]	$1,963,870
12 U.S.C. 1820(e)(4)	$8,977
12 U.S.C. 1820(k)(6)	$323,027
12 U.S.C. 1828(a)(3)	$122
12 U.S.C. 1828(h) [26]	
For assessments < $10,000	$122
12 U.S.C. 1829b(j)	$20,521
12 U.S.C. 1832(c)	$2,852
12 U.S.C. 1884	$285
12 U.S.C. 1972(2)(F):	
Tier One CMP	$9,819
Tier Two CMP	$49,096

[16] *See* 56 FR 37968, 37992–93 (Aug. 9, 1991).

[17] For example, current section 308.132(d)(1)(i)(A) states, ''the amount assessed shall be the greater of [an inflation-adjusted daily penalty] or ¼,000th of the institution's total assets (1/10th of a basis point)'' when it should read, ''the amount assessed shall be the greater of [an inflation-adjusted daily penalty] or *1/100,000th* of the institution's total assets (1/10th of a basis point).'' (Emphasis added).

[18] The maximum penalty amount is per day, unless otherwise indicated.

[19] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[20] 12 U.S.C. 1817(a) provides the maximum CMP amounts for the late filing of Call Reports. In 1991, however, the FDIC issued regulations that further subdivided these amounts based upon the size of the institution and the lateness of the filing. *See* 56 FR 37968, 37992–93 (Aug. 9, 1991), *to be re-codified at* 12 CFR 308.132(e)(1). These adjusted subdivided amounts are found at the end of this chart.

[21] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[22] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[23] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[24] These amounts also apply to CMPs in statutes that cross-reference 12 U.S.C. 1818, such as 12 U.S.C. 2601, 2804(b), 3108(b), 3349(b), 4009(a), 4309(a), 4717(b); 15 U.S.C. 1607(a), 1681s(b), 1691(b), 1691c(a), 1693*o*(a); 42 U.S.C. 3601.

[25] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[26] The $122-per-day maximum CMP under 12 U.S.C. 1828(h), for failure or refusal to pay any assessment, applies only when the assessment is less than $10,000. When the amount of the assessment is $10,000 or more, the maximum CMP under section 1828(h) is 1 percent of the amount of the assessment for each day that the failure or refusal continues.

[27] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

[28] The maximum penalty amount for an institution is the greater of this amount or 1/100,000th of the institution's total assets.

[29] The maximum penalty amount for an institution is the greater of this amount or 1/50,000th of the institution's total assets.

[30] The maximum penalty amount for an institution is the lesser of this amount or 1 percent of total assets.

SAMPLE CIVIL MONEY PENALTY TABLE—Continued

U.S. Code citation	Adjusted Maximum CMP [18] (Beginning January 15, 2018)
Tier Three CMP [27]	$1,963,870
12 U.S.C. 3909(d)	$2,443
15 U.S.C. 78u–2	
Tier One CMP (individuals)	$9,239
Tier One CMP (others)	$92,383
Tier Two CMP (individuals)	$92,383
Tier Two CMP (others)	$461,916
Tier Three CMP (individuals)	$184,767
Tier Three penalty (others)	$923,831
15 U.S.C. 1639e(k):	
First violation	$11,279
Subsequent violations	$22,556
31 U.S.C. 3802	$11,181
42 U.S.C. 4012a(f)	$2,133
CFR Citation	**Adjusted Presumptive CMP (Beginning January 15, 2018)**
12 CFR 308.132(e)(1)(i):	
Institutions with $25 million or more in assets:	
1 to 15 days late	$538
16 or more days late	$1,078
Institutions with less than $25 million in assets:	
1 to 15 days late [28]	$180
16 or more days late [29]	$359
12 CFR 308.132(e)(1)(ii):	
Institutions with $25 million or more in assets	
1 to 15 days late	$897
16 or more days late	$1,795
Institutions with less than $25 million in assets	
1 to 15 days late	1/50,000th of the institution's total assets.
16 or more days late	1/25,000th of the institution's total assets.
12 CFR 308.132(e)(2)	$39,278
12 CFR 308.132(e)(3):	
Tier One CMP	$3,928
Tier Two CMP	$39,278
Tier Three CMP [30]	$1,963,870

IV. Alternatives Considered

During preliminary discussions regarding the Proposed Rule, the FDIC considered possible alternatives to issuing the Proposed Rule. The primary alternative the FDIC considered was to maintain the current statutory language in the CFR and **Federal Register** as well as the CMP presentation format. This alternative (1) keeps the redundant statutory language in the CFR and **Federal Register**, (2) does not improve the clarity and readability of the maximum CMPs, and (3) does not address the fact that the CMP presentation format is inconsistent with the other prudential regulators. Therefore, the FDIC believes the Proposed Rule will support ease of reference and public understanding more so than the alternative.

V. Request for Comment

The FDIC believes that these changes to Part 308 are ministerial and technical and that, therefore, notice-and-comment rulemaking is unnecessary. Nonetheless, in the interest of transparency, the FDIC invites comments on all aspects of this Proposed Rule. Commenters are specifically encouraged to identify any technical issues raised by the Proposed Rule.

VI. Regulatory Analysis

Riegle Community Development and Regulatory Improvement Act

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 [31] requires that each Federal banking agency, in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, in order to provide an adequate transition period, new regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.

The Proposed Rule would not impose any new or additional reporting, disclosures, or other requirements on insured depository institutions. Therefore, the Proposed Rule is not subject to the requirements of this statute.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that, in connection with a rulemaking, an agency prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the Proposed Rule on small entities.[32] A regulatory flexibility analysis is not required,

[31] 12 U.S.C. 4802.

[32] 5 U.S.C. 601 *et seq.*

however, if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Small Business Administration has defined ''small entities'' to include banking organizations with total assets less than or equal to $550 million.[33] The FDIC supervises 3,603 depository institutions,[34] of which 2,885 are defined as small banking entities by the terms of the RFA. For the reasons described below and under section 605(b) of the RFA, the FDIC certifies that the Proposed Rule will not have a significant economic impact on a substantial number of small entities.

The FDIC believes the proposed amendments to 12 CFR part 308 will have a negligible impact on small entities. For a detailed description of the Proposed Rule and its expected effects, please review Section III above. The proposed revisions are intended to simplify the text of the CFR by removing unnecessary and redundant text in order to make it easier for readers to reference and understand the current maximum CMP amounts.

The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Assessment of Federal Regulations and Policies on Families

The FDIC determined that the Proposed Rule will not affect family wellbeing within the meaning of section 654 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.[35]

Paperwork Reduction Act

The Proposed Rule does not create any new, or revise any existing, collections of information under section 3504(h) of the Paperwork Reduction Act of 1980.[36] Consequently, no information collection request will be submitted to the OMB for review.

Plain Language Act

Section 722 of the Gramm-Leach-Bliley Act requires the FDIC to use plain language in all proposed and final rules published after January 1, 2000.[37] Accordingly, the FDIC has attempted to write the Proposed Rule in clear and comprehensible language.

[33] 13 CFR 121.201 (as amended, effective December 2, 2014).

[34] FDIC-supervised institutions are set forth in 12 U.S.C. 1813(q)(2).

[35] Public Law 105–277, 112 Stat. 2681 (1998).

[36] 44 U.S.C. 3501 *et seq.*

[37] Public Law 106–102, 113 Stat. 1338 (Nov. 12, 1999).

List of Subjects

12 CFR Part 308

Administrative practice and procedure, Bank deposit insurance, Banks, Banking, Claims, Crime, Equal access to justice, Fraud, Investigations, Lawyers, Penalties.

12 CFR Part 327

Bank deposit insurance, Banks, Savings Associations.

For the reasons set forth in the preamble, the FDIC proposes to amend 12 CFR parts 308 and 327 as follows:

PART 308—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 308 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 93(b), 164, 505, 1464, 1467(d), 1467a, 1468, 1815(e), 1817, 1818, 1819, 1820, 1828, 1829, 1829(b), 1831i, 1831m(g)(4), 1831o, 1831p–1, 1832(c), 1884(b), 1972, 3102, 3108(a), 3349, 3909, 4717, 5412(b)(2)(C), 5414(b)(3); 15 U.S.C. 78(h) and (i), 78o(c)(4), 78o–4(c), 78o–5, 78q–1, 78s, 78u, 78u–2, 78u–3, 78w, 6801(b), 6805(b)(1); 28 U.S.C. 2461 note; 31 U.S.C. 330, 5321; 42 U.S.C. 4012a; Pub. L. 104–134, sec. 31001(s), 110 Stat. 1321; Pub. L. 109–351, 120 Stat. 1966; Pub. L. 111–203, 124 Stat. 1376; Pub. L. 114–74, sec. 701, 129 Stat. 584.

■ 2. Amend § 308.116 by revising paragraph (b) to read as follows:

§ 308.116 Assessment of penalties.

* * * * *

(b) *Maximum penalty amounts.* Under 12 U.S.C. 1817(j)(16), a civil money penalty may be assessed for violations of change in control of insured depository institution provisions in the maximum amounts calculated and published in accordance with 12 CFR 308.132(d).

* * * * *

■ 3. Amend § 308.132 by revising paragraph (d) and adding paragraph (e) to read as follows:

§ 308.132 Assessment of penalties.

* * * * *

(d) *Maximum civil money penalty amounts.* Under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the Board of Directors or its designee may assess civil money penalties in the maximum amounts using the following framework:

(1) *Statutory formula to calculate inflation adjustments.* The FDIC is required by statute to annually adjust for inflation the maximum amount of each civil money penalty within its jurisdiction to administer. The inflation adjustment is calculated by multiplying the maximum dollar amount of the civil money penalty for the previous calendar year by the cost-of-living inflation adjustment multiplier provided annually by the Office of Management and Budget and rounding the total to the nearest dollar.

(2) *Notice of inflation adjustments.* By January 15 of each calendar year, the FDIC will announce in the **Federal Register** the maximum penalties that may be assessed after each January 15, based on the formula in paragraph (d)(1) of this section, for conduct occurring on or after November 2, 2015.

(e) *Civil money penalties for violations of 12 U.S.C. 1464(v) and 12 U.S.C. 1817(a)*—(1) *Late Filing—Tier One penalties.* Where an institution fails to make or publish its Report of Condition and Income (Call Report) within the appropriate time periods, but where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the late filing occurred unintentionally and as a result of such error, or where the institution inadvertently transmitted a Call Report that is minimally late, the Board of Directors or its designee may assess a Tier One civil money penalty. The amount of such a penalty shall not exceed the maximum amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section. Such a penalty may be assessed for each day that the violation continues.

(i) *First offense.* Generally, in such cases, the amount assessed shall be an amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section. The **Federal Register** document will contain a presumptive penalty amount per day for each of the first 15 days for which the failure continues, and a presumptive amount per day for each subsequent days the failure continues, beginning on the 16th day. The annual **Federal Register** notice will also provide penalty amounts that generally may be assessed for institutions with less than $25,000,000 in assets.

(ii) *Subsequent offense.* The FDIC will calculate and publish in the **Federal Register** a presumptive daily Tier One penalty to be imposed where an institution has been delinquent in making or publishing its Call Report within the preceding five quarters. The published penalty shall identify the amount that will generally be imposed per day for each of the first 15 days for which the failure continues, and the amount that will generally be imposed per day for each subsequent day the failure continues, beginning on the 16th day. The annual **Federal Register**

document will also provide penalty amounts that generally may be assessed for institutions with less than $25,000,000 in assets.

(iii) *Lengthy or repeated violations.* The amounts set forth in this paragraph (e)(1) will be assessed on a case-by-case basis where the amount of time of the institution's delinquency is lengthy or the institution has been delinquent repeatedly in making or publishing its Call Reports.

(iv) *Waiver.* Absent extraordinary circumstances outside the control of the institution, penalties assessed for late filing shall not be waived.

(2) *Late-filing—Tier Two penalties.* Where an institution fails to make or publish its Call Report within the appropriate time period, the Board of Directors or its designee may assess a Tier Two civil money penalty for each day the failure continues. The amount of such a penalty will not exceed the maximum amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section.

(3) *False or misleading reports or information*—(i) *Tier One penalties.* In cases in which an institution submits or publishes any false or misleading Call Report or information, the Board of Directors or its designee may assess a Tier One civil money penalty for each day the information is not corrected, where the institution maintains procedures in place reasonably adapted to avoid inadvertent error and the violation occurred unintentionally and as a result of such error, or where the institution inadvertently transmits a Call Report or information that is false or misleading. The amount of such a penalty will not exceed the maximum amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section.

(ii) *Tier Two penalties.* Where an institution submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a Tier Two civil money penalty for each day the information is not corrected. The amount of such a penalty will not exceed the maximum amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section.

(iii) *Tier Three penalties.* Where an institution knowingly or with reckless disregard for the accuracy of any Call Report or information submits or publishes any false or misleading Call Report or other information, the Board of Directors or its designee may assess a Tier Three civil money penalty for each day the information is not corrected. The penalty shall not exceed the lesser of 1 percent of the institution's total assets per day or the amount calculated and published annually in the **Federal Register** under paragraph (d)(2) of this section.

(4) *Mitigating factors.* The amounts set forth in paragraphs (e)(1) through (3) of this section may be reduced based upon the factors set forth in paragraph (b) of this section.

■ 4. Amend § 308.502 by revising paragraphs (a)(6) and (b)(4) to read as follows:

§ 308.502 Basis for civil penalties and assessments.

(a) * * *

(6) The amount of any penalty assessed under paragraph (a)(1) of this section will be adjusted for inflation in accordance with section 308.132(d) of this part.

* * * * *

(b) * * *

(4) The amount of any penalty assessed under paragraph (a)(1) of this section will be adjusted for inflation in accordance with section 308.132(d) of this part.

* * * * *

■ 5. Amend § 308.530 by revising paragraph (d) to read as follows:

§ 308.530 Determining the amount of penalties and assessments.

* * * * *

(d) Civil money penalties that are assessed under this subpart are subject to annual adjustments to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, sec. 701, 129 Stat. 584) (*see also* 12 CFR 308.132(d)).

PART 327—ASSESSMENTS

■ 6. The authority citation for part 327 continues to read as follows:

Authority: 12 U.S.C. 1441, 1813, 1815, 1817–19, 1821.

* * * * *

■ 7. Amend § 327.3 by revising paragraph (c) to read as follows:

§ 327.3 Payment of assessments.

* * * * *

(c) Necessary action, sufficient funding by institution. Each insured depository institution shall take all actions necessary to allow the Corporation to debit assessments from the insured depository institution's designated deposit account. Each insured depository institution shall, prior to each payment date indicated in paragraph (b)(2) of this section, ensure that funds in an amount at least equal to the amount on the quarterly certified statement invoice are available in the designated account for direct debit by the Corporation. Failure to take any such action or to provide such funding of the account shall be deemed to constitute nonpayment of the assessment. Penalties for failure to timely pay assessments will be calculated and published in accordance with 12 CFR 308.132(d).

* * * * *

Dated at Washington, DC, on July 19, 2018.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2018–16548 Filed 8–2–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 1206 and 1240

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1750

RIN 2590–AA95

Enterprise Capital Requirements

AGENCY: Federal Housing Finance Agency; Office of Federal Housing Enterprise Oversight; Department of Housing and Urban Development.

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

SUMMARY: On July 17, 2018, the Federal Housing Finance Agency (FHFA) published in the **Federal Register** a notice of proposed rulemaking for public comment that proposes a new regulatory capital framework for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). The comment period was set to expire on September 17, 2018. This notice extends the comment period by an additional 60 days to allow the public additional time to comment on the proposed rule.

DATES: The comment period for the proposed rule published at 83 FR 33312 (July 17, 2018) is extended. Written comments must be received on or before November 16, 2018.

ADDRESSES: You may submit your comments on the proposed rule, identified by regulatory information

number (RIN) 2590–AA95, by any one of the following methods:

• *Agency website: www.fhfa.gov/open-for-comment-or-input.*

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the Federal eRulemaking Portal, please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by FHFA. Include the following information in the subject line of your submission: Comments/RIN 2590–AA95.

• *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA95, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW, Washington, DC 20219. Deliver the package at the Seventh Street entrance Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.

• *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel, Attention: Comments/RIN 2590–AA95, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW, Washington, DC 20219. Please note that all mail sent to FHFA via U.S. Mail is routed through a national irradiation facility, a process that may delay delivery by approximately two weeks. For any time-sensitive correspondence, please plan accordingly.

FOR FURTHER INFORMATION CONTACT: Naa Awaa Tagoe, Senior Associate Director, Office of Financial Analysis, Modeling & Simulations, (202) 649–3140, *NaaAwaa.Tagoe@fhfa.gov;* Andrew Varrieur, Associate Director, Office of Financial Analysis, Modeling & Simulations, (202) 649–3141, *Andrew.Varrieur@fhfa.gov;* or Miriam Smolen, Associate General Counsel, Office of General Counsel, (202) 649–3182, *Miriam.Smolen@fhfa.gov.* These are not toll-free numbers. The mailing address is: Federal Housing Finance Agency, 400 Seventh Street SW, Washington, DC 20219. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Comments

FHFA invites comments on all aspects of the proposed rule and will take all comments into consideration before issuing a final rule. Copies of all comments will be posted without change, and will include any personal information you provide such as your name, address, email address, and telephone number, on the FHFA website at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public through the electronic rulemaking docket for this proposed rule also located on the FHFA website.

Background

On July 17, 2018, FHFA published in the **Federal Register** a proposed rule proposing a new regulatory capital framework for Fannie Mae and Freddie Mac which includes a new framework for risk-based capital requirements and two alternatives for an updated minimum leverage capital requirement. *See* 83 FR 33312. The comment period for the proposed rule was originally set to expire on September 17, 2018. FHFA is extending the comment period an additional 60 days, changing the deadline for submitting comments to November 16, 2018.

Dated: July 30, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–16654 Filed 8–2–18; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0633; Product Identifier 2018–NE–22–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) GEnx–2B67, –2B67B, and –2B67/P turbofan engines. This proposed AD was prompted by low-cycle fatigue (LCF) cracking of the fuel manifold leading to an engine fire. This proposed AD would require removal from service of certain fuel manifolds at the next engine shop visit and their replacement with parts eligible for installation. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 17, 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 General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0633; 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: Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0633; Product Identifier 2018–NE–22–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://*

www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

We received information concerning a fire in the under-cowl compartment of a GE GEnx–2B turbofan engine. Insufficient bushing clearance in the fuel manifold bracket resulted in additional fuel manifold loads, premature manifold cracking, fuel leakage, and fuel ignition. Twelve fuel manifolds were found to have LCF cracks. Three of these twelve cracked fuel manifolds resulted in a fire. This condition, if not addressed, could result in failure of the fuel manifold, engine fire, and damage to the airplane.

Related Service Information

We reviewed GE GEnx–2B Service Bulletin (SB) 73–0038 R02, dated November 19, 2015. The SB describes procedures for removing and replacing the fuel manifold system with parts eligible for installation.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require removal from service of certain fuel manifolds at the next engine shop visit and their replacement with parts eligible for installation.

Costs of Compliance

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

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace fuel manifolds	220 work-hours × $85 per hour = $18,700	$119,485	$138,185	$276,370

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator.

Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2018–0633; Product Identifier 2018–NE–22–AD.

(a) Comments Due Date

We must receive comments by September 17, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GEnx–2B67, –2B67B, and –2B67/P turbofan engines with top main fuel manifolds, part numbers (P/Ns) 2419M11G01, 2561M11G01, or 2546M11G01, or lower fuel manifolds, P/Ns 2419M12G01, 2561M12G01, or 2546M12G01, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7310, Engine Fuel Distribution.

(e) Unsafe Condition

This AD was prompted by low-cycle fatigue cracking of the fuel manifold leading to an engine fire. We are issuing this AD to prevent the failure of the fuel manifold. The unsafe condition, if not addressed, could result in failure of the fuel manifold, engine fire, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

At the next engine shop visit, remove the applicable fuel manifolds from service and replace with parts eligible for installation.

(h) Installation Prohibition

After the effective date of this AD, do not install top main fuel manifolds, P/Ns 2419M11G01, 2561M11G01, or 2546M11G01, or lower fuel manifolds, P/Ns 2419M12G01, 2561M12G01, or 2546M12G01.

(i) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except for the following situations, which do not constitute an engine shop visit:

(1) Separation of engine flanges solely for the purposes of transportation of the engine without subsequent maintenance.

(2) Separation of engine flanges solely for the purposes of replacing the fan or propulsor without subsequent maintenance.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Herman Mak, Aerospace Engineer, ECO Branch, FAA, 1200 District Ave., Burlington, MA 01803; phone: 781–238–7147; fax: 781–238–7199; email: *herman.mak@faa.gov.*

(2) For service information identified in this AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *geae.aoc@ge.com.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued in Burlington, Massachusetts, on July 27, 2018.

Karen M. Grant,

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

[FR Doc. 2018–16515 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0704; Product Identifier 2018–NM–066–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus SAS Model A330–200 Freighter, –200 and –300 series airplanes; and Airbus SAS Model A340–200, –300, –500, and –600 series airplanes. This proposed AD was prompted by reports of depressurization of hydraulic reservoirs caused by air leakage from the pressure relief valve (PRV) of the hydraulic reservoir (HR) due to the extrusion of the O-ring seal from certain HR PRVs. This proposed AD would require identifying the part number of the HR, and replacing and re-identifying affected HR PRVs. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 17, 2018.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, Rond Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330–A340@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–2018–0704; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

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–2018–0704; Product Identifier 2018–NM–066–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2018–0064, dated March 23, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A330–200 Freighter, –200 and –300 series airplanes; and Airbus SAS Model A340–200, –300, –500, and –600 series airplanes. The MCAI states:

> Some events of depressurisation of hydraulic reservoirs have been reported, due to air leakage from the HR PRV [hydraulic reservoir pressure relief valve]. The results of the investigations revealed that the air leakage was due to the extrusion of the O-ring seal from the HR PRV. This may have

happened during HR maintenance, testing or during flight, if HR over-filling was performed, as a result of which hydraulic fluid could pass through the PRV, causing [the] PRV seal to migrate from its nominal position, leading to loss of HR pressurisation.

This condition, if not detected and corrected, could lead to the loss of one or more hydraulic systems, possibly resulting in loss of control of the aeroplane.

To address this potential unsafe condition, Airbus issued the AOT [Alert Operators Transmission (AOT) A29L005–16, dated January 28, 2016] to provide instructions to inspect the HR fluid level of each hydraulic circuit and to provide instructions for certain actions when servicing with hydraulic fluid is accomplished on an HR. Consequently, EASA published AD 2016–0107 [related FAA AD 2017–01–08, Amendment 39–18775 (82 FR 1593, January 6, 2017) (''2017–01–08'')] to require accomplishment of these actions for aeroplanes in service.

Since that [EASA] AD was issued, it was determined that the detected air leakage was due to the extrusion of the O-ring seal from a specific batch of HR PRV. Airbus published the applicable inspection SB [service bulletin] to inspect the HR of each hydraulic circuit and to provide instructions to identify the affected parts, and the Modification SB to provide instructions for replacement of each affected part fitted on an affected HR.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2016–0107, which is superseded, and requires the [identification and] replacement [and re-identification] of the affected parts.

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–2018–0704.

Relationship Between Proposed AD and AD 2017–01–08

This NPRM does not propose to supersede AD 2017–01–08. Rather, we have determined that a stand-alone AD is more appropriate to address the changes in the MCAI. This proposed AD would require identifying, replacing, and re-identifying affected HR PRVs. Accomplishing the proposed actions would then terminate all requirements of AD 2017–01–08.

Related Service Information Under 1 CFR Part 51

Airbus SAS has issued the following service information, which describes procedures for identifying HR part numbers. These documents are distinct since they apply to different airplane models.

- Service Bulletin A330–29–3134, dated August 16, 2017.
- Service Bulletin A340–29–4102, dated August 16, 2017.

Airbus SAS has also issued the following service information, which describes procedures for replacing and re-identifying affected PRVs and HRs. These documents are distinct since they apply to different airplane models.

- Service Bulletin A330–29–3131, dated August 11, 2017.
- Service Bulletin A330–29–3132, dated August 11, 2017.
- Service Bulletin A330–29–3133, dated August 11, 2017.
- Service Bulletin A340–29–4099, dated August 11. 2017.
- Service Bulletin A340–29–4100, dated August 11, 2017.
- Service Bulletin A340–29–4101, dated August 11, 2017.
- Service Bulletin A340–29–5026, dated August 11, 2017.

Safran has issued Vendor Service Bulletins 42–29–005, Revision 01, dated September 26, 2017, and 42–29–006, Revision 01, dated September 27, 2017. These documents are distinct since they apply to different airplane models. This service information describes procedures for replacing affected HR PRVs, and including the serial numbers of those PRVs.

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

FAA's Determination

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

Proposed Requirements of This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 103 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
Up to 6 work-hours × $85 per hour = Up to $510	$3,390	Up to $3,900	Up to $401,700

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 SAS: Docket No. FAA–2018–0704; Product Identifier 2018–NM–066–AD.

(a) Comments Due Date

We must receive comments by September 17, 2018.

(b) Affected ADs

This AD affects AD 2017–01–08, Amendment 39–18775 (82 FR 1593, January 5, 2017) (''AD 2017–01–08'').

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (c)(6) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus SAS Model A330–223F and –243F airplanes.

(2) Airbus SAS Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Airbus SAS Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Airbus SAS Model A340–211, –212, and –213 airplanes.

(5) Airbus SAS Model A340–311, –312, and –313 airplanes.

(6) Airbus SAS Model A340–541 and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power.

(e) Reason

This AD was prompted by reports of depressurization of hydraulic reservoirs caused by air leakage from the pressure relief valve (PRV) of the hydraulic reservoir (HR) due to the extrusion of the O-ring seal from certain HR PRVs. We are issuing this AD to address air leakage from the HR PRV, which could lead to the loss of one or more hydraulic systems, with the possible loss of control of the airplane.

(f) Compliance

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

(g) Definitions for This AD

(1) Affected HRs are identified in table 1 to paragraphs (g), (h), (i), and (j) of this AD.

(2) Affected PRVs are installed on affected HRs and have part number 42F0026 and a serial number identified in Safran Vendor Service Bulletins 42–29–005, Revision 01, dated September 26, 2017; and 42–29–006, Revision 01, dated September 27, 2017, as applicable.

(3) A Group 1 airplane has an affected PRV installed.

(4) A Group 2 airplane does not have any affected PRV installed. A Model A330 airplane on which Airbus SAS modifications 206863, 206864, and 206965 have been embodied in production is a Group 2 airplane, provided the airplane remains in that configuration.

(5) In table 1 to paragraphs (g), (h), (i), and (j) of this AD: Green hydraulic circuit is (G), blue hydraulic circuit is (B), and yellow hydraulic circuit is (Y).

Table 1 to paragraphs (g), (h), (i), and (j) of this AD – *Affected HR part numbers, re-identified HR part numbers, and compliance times*

Airplanes	Affected HR part number	Compliance time (after the effective date of this AD)	Re-identified HR part number
Model A330 (all models)	42F1005 (G)	Within 4 months	42F1008
	42F1203 (B)	Within 28 months	42F1205
	42F1304 (Y)	Within 28 months	42F1307
Model A340-200 and -300	42F1005 (G)	Within 4 months	42F1008
	42F1203 (B)	Within 28 months	42F1205
	42F1304 (Y)	Within 28 months	42F1307
Model A340-500 and -600	42F1412 (G)	Within 4 months	42F1416
	42F1512 (B)	Within 4 months	42F1516
	42F1607 (Y)	Within 4 months	42F1609

(h) Part Number Inspection

At the applicable time specified in table 1 to paragraphs (g), (h), (i), and (j) of this AD, identify the HR part number, in accordance with Airbus Service Bulletin A330–29–3134, dated August 16, 2017; or Airbus Service Bulletin A340–29–4102, dated August 16, 2017; as applicable.

(i) Replacement

For Group 1 airplanes: At the applicable time specified in table 1 to paragraphs (g), (h), (i), and (j) of this AD, replace each affected PRV in accordance with the

applicable service information specified in paragraphs (i)(1) through (i)(7) of this AD.

(1) Airbus Service Bulletin A330–29–3131, dated August 11, 2017.

(2) Airbus Service Bulletin A330–29–3132, dated August 11, 2017.

(3) Airbus Service Bulletin A330–29–3133, dated August 11, 2017.

(4) Airbus Service Bulletin A340–29–4099, dated August 11. 2017.

(5) Airbus Service Bulletin A340–29–4100, dated August 11, 2017.

(6) Airbus Service Bulletin A340–29–4101, dated August 11, 2017.

(7) Airbus Service Bulletin A340–29–5026, dated August 11, 2017.

(j) Part Re-identification

(1) For Group 1 airplanes: Concurrently with the PRV replacement required by paragraph (i) of this AD, re-identify the part numbers of affected HRs as specified in table 1 to paragraphs (g), (h), (i), and (j) of this AD, in accordance with the applicable service information specified in paragraphs (i)(1) through (i)(7) of this AD.

(2) For Group 2 airplanes: At the applicable time specified in table 1 to paragraphs (g), (h), (i), and (j) of this AD, re-identify the part numbers of affected PRVs and HRs, in accordance with the applicable service information specified in paragraphs (i)(1) through (i)(7) of this AD.

(k) Terminating Action

Replacement of all affected PRVs on an airplane, as required by paragraph (i) of this AD, terminates all requirements of AD 2017–01–08 for that airplane.

(l) Parts Installation Prohibition

(1) For Group 1 airplanes: After replacement of all affected parts as required by paragraph (i) of this AD, do not install any affected PRV.

(2) For Group 2 airplanes: As of the effective date of this AD, do not install any affected PRV.

(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 Branch, 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 the European Aviation Safety Agency (EASA); or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2018–0064, dated March 23, 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–2018–0704.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on July 25, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–16574 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0641; Product Identifier 2018–NM–032–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2017–22–07, which applies to certain Airbus Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2017–22–07 requires repetitive inspections of the frame forks, and corrective actions if necessary. AD 2017–22–07 also includes optional modifications that constitute terminating action. Since we issued AD 2017–22–07, an evaluation was done by the design approval holder (DAH) indicating that the frame forks and outer skin on the forward and aft cargo compartment doors are subject to widespread fatigue damage (WFD), and a determination was made that a modification of the frame forks must be accomplished. This proposed AD would require modifying certain forward and aft cargo compartment doors, and related investigative and corrective actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 17, 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, 2 Rond Point Emile Dewoitine, 31700 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2018–0641; 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 and fax 206–231–3223.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0641; Product Identifier 2018–NM–032–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as WFD. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

We issued AD 2017–22–07, Amendment 39–19087 (82 FR 56158, November 28, 2017) (''AD 2017–22–07''), for certain Airbus Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. AD 2017–22–07 requires repetitive inspections of the frame forks, and corrective actions if necessary. AD 2017–22–07 also includes optional modifications that constitute terminating action. AD 2017–22–07 resulted from a report of cracks on frame forks and outer skin on the forward and aft cargo compartment doors. We issued AD 2017–22–07 to address cracks on the frame forks and outer skin on the forward and aft cargo compartment doors, which could lead to reduced structural integrity and failure of the cargo compartment door, possible decompression of the airplane, and injury to occupants.

Actions Since AD 2017–22–07 Was Issued

Since we issued AD 2017–22–07, an evaluation was done by the DAH indicating that the frame forks and outer skin on the forward and aft cargo compartment doors are subject to WFD, and a determination was made that a modification of the frame forks must be accomplished.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2018–0024, dated January 29, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A319 series airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The MCAI states:

> During full scale fatigue test, cracks were found on frame forks and outer skin on forward and aft cargo doors. To improve the fatigue behaviour of the frame forks, Airbus introduced modification (mod) 22948 in production, and issued inspection Service Bulletin (SB) A320–52–1032 and mod SB A320–52–1042, both recommended. Since those actions were taken, further improved cargo compartment doors were introduced in production through Airbus mod 26213, on aeroplanes having [manufacturer serial number] MSN 0759 and up.
>
> In the frame of the Widespread Fatigue Damage (WFD) study, it was determined that repetitive inspection are necessary for aft and forward cargo compartment doors on aeroplanes that are in pre-mod 26213 configuration. Failure to detect cracks would reduce the cargo door structural integrity.
>
> This condition, if not detected and corrected, could lead to cargo door failure, possibly resulting in decompression of the aeroplane and injury to occupants.
>
> To address this unsafe condition, Airbus issued SB A320–52–1171 to provide instructions for repetitive special detailed inspections (SDI). This SB was later revised to correct the list of affected cargo doors. Airbus also issued SB A320–52–1170, introducing a door modification which would allow terminating the repetitive SDI[s].
>
> Consequently, EASA issued AD 2016–0187 [which corresponds to FAA AD 2017–22–07] to require repetitive SDI[s] of the affected cargo doors and, depending on findings, the accomplishment of applicable repairs. That [EASA] AD also included reference to SB A320–52–1170 as optional terminating action.
>
> Since that [EASA] AD was issued, further investigations linked to the WFD analysis highlighted that, to meet the WFD requirements, it is necessary to require

embodiment of the terminating action modification.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2016–0187, which is superseded, and requires modification of all affected cargo doors, which constitutes terminating action for the repetitive SDI[s] required by this [EASA] AD.

The related investigative action is a high frequency eddy current (HFEC) rotating probe inspection for cracks. Corrective actions include, among other things, oversizing and cold-expanding any affected holes and repair. 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–2018–0641.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

- Service Bulletin A320–52–1171, Revision 02, dated April 10, 2017, which describes procedures for repetitive special detailed inspections of all frame forks in the beam 4 area of any affected door, and corrective actions.
- Service Bulletin A320–52–1042, Revision 2, dated January 14, 1997, which describes procedures for modification of all affected forward and aft cargo compartment doors.
- Service Bulletin A320–52–1170, including Appendices 01 and 02, dated September 5, 2016, which describes procedures for modifying all affected forward and aft cargo compartment doors, including oversize and cold working of riveting for all frame forks.

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 these same type designs.

Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Paragraphs (j)(2) and (j)(3) of AD 2017–22–07 allowed an optional terminating modification that could be done at any time. This proposed AD would still permit that optional terminating modification, but with new limitations on the compliance time, *i.e.,* the optional modification must be done on or after the accumulation of 21,700 flight cycles since first installation of the door on an airplane in order to terminate the repetitive inspections. The repetitive inspections are not terminated if the modification is done before the accumulation of 21,700 flight cycles since first installation of the door on an airplane. These limitations match those in EASA AD 2018–0024, dated January 29, 2018.

Costs of Compliance

We estimate that this proposed AD affects 88 airplanes of U.S. registry.

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

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	24 work-hours × $85 per hour = $2,040.	Up to $240	Up to $2,280	Up to $200,640.
Inspection	25 work-hours × $85 per hour = $2,125.	$0	$2,125	$187,000.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator.

Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2017–22–07, Amendment 39–19087 (82 FR 56158, November 28, 2017), and adding the following new AD:

Airbus: Docket No. FAA–2018–0641; Product Identifier 2018–NM–032–AD.

(a) Comments Due Date

We must receive comments by September 17, 2018.

(b) Affected ADs

This AD replaces AD 2017–22–07, Amendment 39–19087 (82 FR 56158, November 28, 2017) (''AD 2017–22–07'').

(c) Applicability

This AD applies to Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes, certificated in any category, manufacturer serial numbers through 0758 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the frame forks and outer skin on the forward and aft cargo compartment doors are subject to widespread fatigue damage (WFD), and a determination that a modification of the frame forks must be accomplished. We are issuing this AD to address cracks on the frame forks and outer skin on the forward and aft cargo compartment doors, which could lead to reduced structural integrity and failure of the cargo compartment door, possible decompression of the airplane, and injury to occupants.

(f) Compliance

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

(g) Retained Definition of Affected Door, With No Changes

This paragraph restates the definition in paragraph (g) of AD 2017–22–07, with no changes. For the purpose of this AD, an ''affected door'' is a forward or aft cargo compartment door, having any part number listed in table 1 to paragraph (g) of this AD, except a cargo compartment door on which Airbus Service Bulletin A320–52–1042 or Airbus Service Bulletin A320–52–1170 is embodied.

Table 1 to Paragraph (g) of this AD – *Affected Cargo Doors*

Forward cargo compartment door part numbers	Aft cargo compartment door part numbers
D52371000000	D52371900000
D52371000002	D52371900002
D52371000004	D52371900004
D52371000006	D52371900008
D52371000008	D52371900010
D52371000010	D52371900012
D52371000012	D52371900014
D52371000014	D52371900016
D52371000016	D52371900018
D52371000018	D52371900022
D52371000022	

(h) Retained Repetitive Special Detailed Inspection of Frame Forks, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2017–22–07, with no changes. At the latest of the compliance times listed in paragraphs (h)(1) through (h)(4) of this AD: Do a special detailed inspection of all frame forks in the beam 4 area of any affected door as defined in paragraph (g) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1171, Revision 02, dated April 10, 2017, except as specified in paragraphs (l) and (m) of this AD. Repeat the inspection thereafter at intervals not to exceed 3,000 flight cycles. A review of the airplane delivery or maintenance records is acceptable to identify any affected door installed on the airplane, provided that the cargo compartment door part number can be conclusively determined from that review.

(1) Before exceeding 37,500 flight cycles since first installation of the door on an airplane.

(2) Within 900 flight cycles after January 2, 2018 (the effective date of AD 2017–22–07), without exceeding 41,950 flight cycles since first installation of the door on an airplane.

(3) Within 50 flight cycles after January 2, 2018 (the effective date of AD 2017–22–07), for a door having reached or exceeded 41,900 flight cycles since first installation on an airplane.

(4) Within 3,000 flight cycles since the last inspection of the door as specified in Airbus Service Bulletin A320–52–1032.

(i) Retained Corrective Actions, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2017–22–07, with no changes. If any crack is found during any inspection required by paragraph (h) of this AD, before further flight, do all applicable corrective actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1171, Revision 02, dated April 10, 2017, except as specified in paragraphs (l) and (m) of this AD. Accomplishment of applicable corrective actions does not constitute terminating action for the repetitive inspections.

(j) Terminating Modification

Before the accumulation of 56,300 total flight cycles, but not before the accumulation of 21,700 total flight cycles since first installation of the affected door on an airplane: Modify all affected doors of an airplane, including accomplishment of all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1170, including Appendices 01 and 02, dated September 5, 2016. Accomplishing this modification constitutes terminating action for the repetitive inspections specified in paragraph (h) of this AD for that airplane, provided that, after modification, no affected door is re-installed on that airplane.

(k) Retained Optional Terminating Action, With Changes Related to Compliance

This paragraph restates the requirements of paragraph (j) of AD 2017–22–07, with changes related to compliance.

(1) Modification of all affected doors of an airplane before the effective date of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1042, Revision 2, dated January 14, 1997, constitutes terminating action for the repetitive inspections specified in paragraph (h) of this AD and a method of compliance for the modification required by paragraph (j) of this AD, for that airplane, provided that, after modification, no affected door is re-installed on that airplane. On or after the effective date of this AD, the modification required by paragraph (j) of this AD must be done.

(2) Modification of all affected doors of an airplane including accomplishment of all applicable related investigative and corrective actions, if done before the effective date of this AD in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–52–1170, dated September 5, 2016, except as specified in paragraph (l) of this AD, constitutes terminating action for the repetitive inspections specified in paragraph (h) of this AD and a method of compliance for the modification required by paragraph (j) of this AD, for that airplane, provided that, after modification, no affected door is re-installed on that airplane. On or after the effective date of this AD, the modification required by paragraph (j) of this AD must be done.

(3) Modification of all affected doors on an airplane, in case of finding damaged frame forks, as specified in an Airbus Repair Design Approval Sheet (RDAS), if done before the effective date of this AD and done in accordance with a method 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); constitutes terminating action for the repetitive inspection specified in paragraph (h) of this AD and a method of compliance for the modification required by paragraph (j) of this AD, for that airplane, provided that, after modification, no affected door is re-installed on that airplane. On or after the effective date of this AD, the modification required by paragraph (j) of this AD must be done.

(l) Retained Exception to Service Information

This paragraph restates the requirements of paragraph (k) of AD 2017–22–07, with no changes. Where Airbus Service Bulletin A320–52–1170, including Appendices 01 and 02, dated September 5, 2016; or Airbus Service Bulletin A320–52–1171, Revision 02, dated April 10, 2017; specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (p)(2) of this AD.

(m) Retained No Reporting Requirement

This paragraph restates the requirements of paragraph (l) of AD 2017–22–07, with no changes. Although Airbus Service Bulletin A320–52–1171, Revision 02, dated April 10, 2017, specifies to submit certain information to the manufacturer, and specifies that action as ''RC,'' this AD does not include that requirement.

(n) Retained Credit for Previous Actions

This paragraph restates the requirements of paragraph (m) of AD 2017–22–07, with no changes.

(1) This paragraph provides credit for the actions required by paragraphs (h) and (i) of this AD, if those actions were performed before January 2, 2018 (the effective date of AD 2017–22–07), using Airbus Service Bulletin A320–52–1171, dated October 29, 2015, provided that it can be conclusively determined that any part number D52371000018 was also inspected as specified in paragraph (h) of this AD.

(2) This paragraph provides credit for the actions required by paragraphs (h) and (i) of this AD, if those actions were performed before January 2, 2018 (the effective date of AD 2017–22–07), using Airbus Service Bulletin A320–52–1171, Revision 01, dated September 5, 2016.

(o) Parts Installation Limitation

As of the effective date of this AD, no person may install, on any airplane, an affected door specified in paragraph (g) of this AD, unless less than 56,300 flight cycles have accumulated since first installation of the door on an airplane, and unless the door has been inspected in accordance with the requirements of paragraph (h) of this AD and all applicable corrective actions have been done in accordance with paragraph (i) of this AD.

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

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

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

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2018–0024, dated January 29, 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–2018–0641.

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

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 2 Rond Point Emile Dewoitine, 31700 Blagnac Cedex, France; telephone: +33

5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on July 24, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–16497 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0703; Product Identifier 2018–NM–007–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 747–8 and 747–8F series airplanes. This proposed AD was prompted by reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. This proposed AD would require installing new aft fairing vapor seals, heatshield seals, heatshield seal retainers, block seals and outboard lateral restraint 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 September 17, 2018.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0703.

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–2018–0703; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3552; email: *Christopher.R.Baker@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0703; Product Identifier 2018–NM–007–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. Such damage could allow flammable fluid leakage out of the aft fairing. This condition, if not addressed, could result in an uncontrolled fire in the engine strut.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017. This service information describes procedures for installing new aft fairing vapor seals, heatshield seals, heatshield seal retainers, block seals, and outboard lateral restraint access panels. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0703.

Differences Between This Proposed AD and the Service Information

The applicability in this proposed AD does not refer to paragraph 1.A., ''Effectivity,'' of Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017. The service information does not contain a comprehensive list of the airplanes affected by the identified unsafe condition because the spare parts identified in paragraph (j) of this AD have been determined to be rotable parts that are capable of being installed on all Model 747–8 and 747–8F series airplanes. Therefore, the applicability of

this proposed AD is all Model 747–8 and 747–8F series airplanes. We have coordinated this difference with Boeing.

Costs of Compliance

We estimate that this proposed AD affects 13 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Installation of vapor seals, heatshield seals, heatshield seal retainers, block seals, and outboard lateral restraint access panels.	136 work-hours × $85 per hour = $11,560.	$21,910	$33,470	$435,110

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all 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 proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0703; Product Identifier 2018–NM–007–AD.

(a) Comments Due Date

We must receive comments by September 17, 2018.

(b) Affected ADs

This AD affects AD 2017–04–13, Amendment 39 18808 (82 FR 11795, February 27, 2017) (''2017–04–13'').

(c) Applicability

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

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by reports of damaged vapor seals, block seals, and heat shield seals on the outboard pylons between the engine strut and aft fairing. We are issuing this AD to address heat damage to the vapor seals between the engine strut and aft fairing. Such damage could allow flammable fluid leakage out of the aft fairing, which could result in an uncontrolled fire in the engine strut.

(f) Compliance

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

(g) Required Actions

(1) For airplanes identified in Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017: Except as required by paragraph (h) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017.

(2) For airplanes not identified in Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017: Within 4 years or 4,800 flight cycles after the effective date of this AD, whichever occurs first, inspect to determine if any part number identified in paragraph (j) of this AD is installed. If any part number specified in paragraph (j) of this AD is installed, within 4 years or 4,800 flight cycles after the effective date of this AD, whichever occurs first, replace the part with a part number that is identified as an acceptable replacement in Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017.

(h) Exceptions to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Service Bulletin 747–54A2247, dated August 3, 2017, uses the phrase ''the original issue date of this service bulletin,''

this AD requires using ''the effective date of this AD.''

(i) Terminating Action for Repetitive Inspections

Accomplishing the actions specified in paragraphs (g)(1) or (g)(2) of this AD, as applicable, terminates all requirements of AD 2017–04–13.

(j) Parts Installation Prohibition

As of the effective date of this AD, do not install an access panel lateral restraint with part numbers (P/Ns) 321U8595–1, 321U8595–2, 321U8595–3 and 321U8595–4; a vapor seal with P/N 323U8452–3; a block seal with P/N 323U8452–2; a heatshield seal with P/N 323U8852–1; and a heatshield seal retainer P/N 323U8852–2; on any airplane.

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(l) Related Information

(1) For more information about this AD, contact Christopher Baker, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198; phone and fax: 206–231–3552; email: *Christopher.R.Baker@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on July 25, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–16575 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0468; Airspace Docket No. 18–AEA–13]

RIN 2120–AA66

Proposed Amendment of Class E Airspace, Cambridge, MD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Cambridge-Dorchester Regional Airport, Cambridge, MD, to accommodate airspace reconfiguration due to the decommissioning of the Cambridge non-directional radio beacon and cancellation of the NDB approach. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also would update the airport name and geographic coordinates of this airport.

DATES: Comments must be received on or before September 17, 2018.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2018–0468; Airspace Docket No. 18–AEA–13, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend Class E airspace at Cambridge-Dorchester Regional Airport, Cambridge, MD, to support IFR operations at this airport.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2018–0468 and Airspace Docket No. 18–AEA–13) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0468; Airspace Docket No. 18–AEA–13.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA proposes an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify Class E airspace extending upward from 700 feet or more above the surface within a 6.6-mile radius (increased from a 6.4-mile radius) of Cambridge-Dorchester Regional Airport, Cambridge, MD, due to the decommissioning of the Cambridge NDB, and cancellation of the NDB approach. The airspace redesign would enhance the safety and management of IFR operations at the airport. The geographic coordinates of the airport also would be adjusted to coincide with the FAA's aeronautical database, and the airport name would be updated to Cambridge-Dorchester Regional Airport, (formerly Cambridge-Dorchester Airport).

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANE ME E5 Cambridge, MD [Amended]

Cambridge-Dorchester Regional Airport, MD (Lat. 38°32′22″ N, long. 76°01′49″ W)

That airspace extending upward from 700 feet above the surface within a 6.6- mile radius of Cambridge-Dorchester Regional Airport.

Issued in College Park, Georgia, on July 26, 2018.

Shawn Reddinger,

Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–16606 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0181]

RIN 1625–AA09

Drawbridge Operation Regulation; Duluth Ship Canal, Duluth-Superior Harbor, MN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that

governs the Duluth Aerial Lift Bridge for vessels under 300 gross tons. The City of Duluth has requested that the current summer bridge schedule (Memorial Day to Labor Day) be extended to include the spring and fall.

DATES: Comments and related material must reach the Coast Guard on or before September 4, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0181 using Federal eRulemaking Portal at *http://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IGLD85 International Great Lakes Datum of 1985
LWD Low Water Datum based on IGLD85
OMB Office of Management and Budget
NPRM Notice of proposed rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The Duluth Aerial Bridge is located 0.25 miles from Duluth Harbor North Pier Light at the lakeward end of the Duluth Ship Canal. It is a vertical lift type bridge that provides 15 feet of vertical clearance in the down position and up to 141 feet in the open position. Currently the bridge opens on signal except that, from the Friday before Memorial Day through the Tuesday after Labor Day each year, between the hours of 7 a.m. and 9 p.m., seven days a week, the drawbridge opens on the hour and half-hour for vessels under 300 gross tons, if needed; and the bridge will open on signal for all vessels from 9 p.m. to 7 a.m., seven days a week, and at all times for Federal, state, and local government vessels, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, commercial-assist towing vessels engaged in towing or port operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater. From January 1 through March 15, the draw opens on signal if at least 12 hours notice is given. The opening signal is one prolonged blast, one short blast, one prolonged blast, one short blast. If the drawbridge is disabled, the bridge authorities shall give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that the vessels do not attempt to enter the canal.

Marine traffic on the waterway consists of large commercial vessels, smaller commercial vessels, and both power and sail recreational vessels. Duluth-Superior Harbor has two federal project channels available for mariners to enter the harbor: The Duluth Ship Canal and the Superior Channel. The Superior Channel is not crossed by any bridges.

III. Discussion of Proposed Rule

The City of Duluth operates the Duluth Aerial Lift Bridge across the Duluth Ship Canal and has reported increased traffic and community growth on Minnesota Point, which is only accessible by the Aerial Bridge, and has requested that the current scheduled summer openings be extended to include the spring and fall. The City of Duluth believes this will improve the flow of vehicular traffic over the bridge, relieve vehicular congestion near the bridge and on city streets on both sides of the bridge (Park Point and Canal Park), improve access and response times for emergency response entities, and enhance pedestrian safety in the vicinity of the bridge. The City of Duluth has informally queried local stake holders and has received several comments in favor of extending the summer bridge operating schedule to cover the spring and fall dates (March 16 to December 31).

The regulation only affects recreational vessels and commercial vessels under 300 gross tons. The drawbridge will continue to open at all times for commercial vessels over 300 gross tons. The only change to the regulation will be to extend the dates of the scheduled bridge openings from the Friday before Memorial Day through the Tuesday after Labor Day to March 16 through December 31 each year.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB) and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771. This regulatory action determination is based on the expected improvement to traffic and all modes of traffic using the drawbridge, and the proven improvement realized by the previous change to the bridge schedule implemented in the last rulemaking.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. While some owners or operators of vessels intending to transit the bridges may be small entities, for the reasons stated in section IV.A above this proposed rule would not have a significant economic impact on any vessel owner or operator because we coordinated with the marina operators and the local stakeholders and incorporated their concerns into the proposed regulation.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental

jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to revise 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.661 to read as follows:

§ 117.661 Duluth Ship Canal (Duluth-Superior Harbor).

The draw of the Duluth Ship Canal Aerial bridge, mile 0.25 at Duluth, shall operate as follows:

(a) From 16 March through 31 December, between the hours of 7 a.m. and 9 p.m., seven days a week, the drawbridge shall open on the hour and half-hour for vessels under 300 gross tons, if needed; and the bridge will open on signal for all vessels from 9 p.m. to 7 a.m., seven days a week, and at all times for Federal, state, and local government vessels, vessels in distress, commercial vessels engaged in rescue or emergency salvage operations, commercial-assist towing vessels engaged in towing or port operations, vessels engaged in pilot duties, vessels seeking shelter from severe weather, and all commercial vessels 300 gross tons or greater.

(b) From January 1 through March 15, the draw shall open on signal if at least 12 hours notice is given. The opening signal is one prolonged blast, one short blast, one prolonged blast, one short blast. If the drawbridge is disabled, the bridge authorities shall give incoming and outgoing vessels timely and dependable notice, by tug service if necessary, so that the vessels do not attempt to enter the canal.

Dated: July 27, 2018.

J.M. Nunan,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 2018–16669 Filed 8–2–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0398; FRL–9981–32—Region 1]

Air Plan Approval; New Hampshire; Updates to Enhanced Motor Vehicle Inspection and Maintenance Program Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision includes an amended regulation for the enhanced motor vehicle inspection and maintenance (I/M) program in New Hampshire. New Hampshire continues to implement a test and repair network for an on-board diagnostic (OBD2) testing program. The submitted New Hampshire regulation updates and clarifies the implementation of the New Hampshire I/M program. The intended effect of this action is to approve the updated I/M program regulation into the New Hampshire SIP. This action is being taken under the Clean Air Act.

DATES: Written comments must be received on or before September 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0398 at *www.regulations.gov,* or via email to *garcia.ariel@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, 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, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.* Publicly available docket materials are available at *www.regulations.gov* or at the U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA Region 1 Regional Office, 5 Post Office Square, Suite 100 (Mail code: OEP05–2), Boston, MA 02109–3912, telephone number: (617) 918–1660, email: *garcia.ariel@epa.gov.*

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

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I. Background and Purpose
II. Summary of New Hampshire's Regulatory Changes
III. New Hampshire Satisfying Clean Air Act Requirements for I/M programs
IV. Proposed Action
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VI. Statutory and Executive Order Reviews

I. Background and Purpose

On June 7, 2016, the State of New Hampshire submitted a formal revision to its State Implementation Plan (SIP). The submitted SIP revision included amendments to the New Hampshire Code of Administrative Rules Chapter Saf-C 3200 entitled, ''Official Motor Vehicle Inspection Requirements,'' which update the enhanced motor vehicle inspection and maintenance (I/M) program in New Hampshire.

New Hampshire previously submitted an I/M program SIP revision on November 17, 2011, which EPA approved into the New Hampshire SIP on January 25, 2013 (78 FR 5292). New Hampshire's November 17, 2011 SIP revision included all the regulatory and technical documentation required in an I/M SIP submittal to address the requirements of EPA's I/M regulations. The emissions modeling, I/M SIP narrative, and other technical documentation, included in New Hampshire's November 17, 2011 submittal continue to be applicable as the technical demonstration that New Hampshire's implemented I/M program meets the requirements of EPA's I/M regulations. The regulatory amendments made by New Hampshire to regulation Saf-C 3200, submitted in the June 2016 SIP revision, do not reflect any changes to the technical implementation characteristics of the New Hampshire I/M program and thus result in no changes to the EPA-approved emissions modeling analysis.

II. Summary of New Hampshire's Regulatory Changes

New Hampshire's amended Saf-C 3200 regulation, submitted as a SIP revision on June 7, 2016, updates a number of regulatory provisions by adding language to clarify the I/M program requirements in New Hampshire. A summary of the most substantial changes made to New Hampshire's SIP-approved regulation follows. New Hampshire (1) added clarifying definitions to Saf-C 3202; (2) amended Saf-C 3203.03 to change the month by which government fleet vehicles need to be inspected, *i.e.* to September of each year; (3) amended Saf-C 3204.02 and adopted Saf-C 3205.11 to clarify both the required information to be submitted in an application to become an official inspection station, as well as the criteria for denying an application; and (4) amended Saf-C 3218 through Saf-C 3220 to clarify and update the criteria for performance or condition of vehicle components that will result in the rejection of a vehicle.

III. New Hampshire Satisfying Clean Air Act Requirements for I/M Programs

In this document, EPA is only proposing to update New Hampshire's I/M regulation by revising subsections or provisions of the regulation as it currently exists in the New Hampshire SIP.[1] As stated earlier in this document, the remaining technical aspects (*i.e.,* I/M SIP narrative, the emissions modeling, and other technical documentation) included in New Hampshire's November 17, 2011 SIP revision, and approved by EPA on January 25, 2013 (78 FR 5292), continue to be applicable as the technical

[1] EPA's January 25, 2013 (78 FR 5292) approval of New Hampshire's November 17, 2011 I/M SIP submittal describes how New Hampshire's I/M program satisfies the OBD2 and other I/M regulatory requirements established by the Clean Air Act and EPA's I/M regulations. In addition, EPA's January 25, 2013 (78 FR 5292) approval contains a detailed discussion of EPA's rationale for approving New Hampshire's November 17, 2011 I/M SIP revision and will not be restated in this document.

demonstration that New Hampshire's implemented I/M program meets the requirements of EPA's I/M regulations.

IV. Proposed Action

EPA is proposing to approve New Hampshire's June 7, 2016 SIP revision request. This SIP revision request contains New Hampshire's revised motor vehicle I/M program regulation. Specifically, EPA is proposing to approve amendments to the following New Hampshire Department of Safety Regulation Saf-C 3200 subsections or provisions as they currently exist in the New Hampshire SIP: Amendments to Saf–C 3202, Saf–C 3203, Saf–C 3204, Saf–C 3205, Saf–C 3206.04, Saf–C 3207.01, Saf–C 3209, Saf–C 3210, Saf–C 3218, Saf–C 3220, Saf–C 3222, and Saf–C 3248. In addition, EPA is proposing to approve Saf–C 3219 which had not previously been submitted for inclusion in the New Hampshire SIP.

EPA is proposing to approve New Hampshire's June 7, 2016 SIP revision, containing New Hampshire's updated I/M program regulation, because it is consistent with the CAA's I/M requirements and EPA's I/M regulations, and will strengthen the SIP. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to this proposed rule by following the instructions listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the 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, the EPA is proposing to incorporate by reference the aforementioned New Hampshire Department of Safety Regulation Saf-C 3200 subsections identified in section IV of this proposal, except as set forth below. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

New Hampshire's I/M program regulation contains enforcement provisions that detail state enforcement procedures, including administrative, civil, and criminal penalties, and administrative and judicial procedures. Such enforcement-related provisions are required elements of an I/M SIP under 40 CFR 61.364, and EPA is proposing to approve the provisions as meeting those requirements. However, EPA is not proposing to incorporate those provisions by reference into the EPA-approved federal regulations at 40 CFR part 52. In any federal action to enforce violations of the substantive requirements of the New Hampshire I/M program, the relevant provisions of Section 113 or 304 of the CAA, rather than state enforcement provisions would govern. Similarly, the applicable procedures in any federal action would be the applicable federal court rules or EPA's rules for administrative proceedings at 40 CFR part 22, rather than state administrative procedures. Since the state enforcement provisions would not be applicable in a federal action, incorporating these state-only enforcement provisions into the federal regulations would have no effect. To avoid confusion to the public and regulated parties, EPA is not proposing to incorporate these provisions by reference into the EPA-approved federal regulations in the New Hampshire plan identification in 40 CFR part 52. Specifically, EPA is not proposing to incorporate New Hampshire's regulations Saf-C 3222.04(d) and Saf-C 3248 into the federal regulations at 40 CFR 52.1520(c).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: July 31, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

[FR Doc. 2018–16623 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0168, FRL–9981–37—Region 1]

Air Plan Approval; Connecticut; Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing approval of State Implementation Plan (SIP) revisions submitted by Connecticut which relate to the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS). The SIP revisions are for the Greater Connecticut and the Connecticut portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT moderate ozone nonattainment areas. EPA is proposing to approve submittals which include 2011 base year emissions inventories, an emissions statement certification, reasonable further progress (RFP) demonstrations, reasonably available control measures (RACM) analyses, motor vehicle emissions budgets, and contingency measures. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 4, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2016–0168. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* and at the U.S. Environmental Protection Agency, EPA Region 1 Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

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

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I. Background

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (annual fourth-highest daily maximum 8-hour average concentration, averaged over three years) to provide increased protection of public health and the environment (73 FR 16436, March 27, 2008). The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Under the EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15.

Effective July 20, 2012, the EPA designated as nonattainment any area that was violating the 2008 8-hour ozone NAAQS based on the three most recent years (2008–2010) of air monitoring data (77 FR 30088, May 21, 2012). With that rulemaking, the Greater Connecticut area and the New York-N. New Jersey-Long Island NY-NJ-CT area were designated as marginal ozone nonattainment areas. The latter area is herein referred to as the NY-NJ-CT area. Areas that were designated as marginal nonattainment were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. On May 14, 2016 (81 FR 26697), the EPA published its determination that the Greater Connecticut area and the NY-NJ-CT area had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline and the areas were reclassified to moderate ozone nonattainment areas. *See* 40 CFR 81.306. Moderate areas are required to attain the 2008 8-hour ozone NAAQS by no later than six years after the effective date of designations, or July 20, 2018. *See* 40 CFR 51.903.

II. Description of State's Submittals

Clean Air Act (CAA) section 182 of subpart 2 outlines SIP requirements applicable to ozone nonattainment areas in each classification category. Moderate area designations trigger additional state requirements established under the provisions of the EPA's ozone implementation rule for the 2008 8-hour ozone NAAQS (40 CFR part 51, subpart AA). Examples of these requirements include submission of a modeling and attainment demonstration, a reasonable further progress (RFP) plan, controls on stationary sources that represent reasonably available control technology (RACT), and a demonstration that all reasonably available control measures (RACM) have been adopted. The EPA's May 4, 2016 (81 FR 26699) rulemaking established a January 2, 2017 moderate area SIP revision submission deadline.

On March 9, 2016, Connecticut submitted a 2011 emissions inventory of ozone precursors for all areas of the State. On September 5, 2017, Connecticut submitted an emissions statement certification which also covered all areas of the State. On January 17, 2017, Connecticut submitted SIP revisions for the 2008 ozone NAAQS for the Greater Connecticut moderate nonattainment area that included an RFP plan, contingency measures for the RFP plan, motor vehicle emissions budgets as defined by the RFP plan, and a RACM demonstration. Connecticut made a similar submittal on August 8, 2017, for the state's portion of the NY-NJ-CT moderate nonattainment area. Although Connecticut's January 17, 2017 and August 8, 2017 submittals also included attainment demonstrations for the 2008 ozone standard, we are not addressing those submittals in this proposed rulemaking.

III. Evaluation of State's Submittals

A. Emissions Statement Certification

EPA's implementation rule for the 2008 ozone NAAQS, herein referred to as the 2008 ozone rule, was published in the **Federal Register** on March 6, 2015. *See* 80 FR 12264. The 2008 ozone rule notes than many areas that were nonattainment for the 2008 ozone NAAQS had previously adopted an

emissions statement reporting program due to being nonattainment for a prior ozone NAAQS. For these areas, the 2008 ozone rule indicates that the state should review its existing rule to see whether it still meets the requirements of section 182(a)(3)(B) of the CAA, and if the state determines that it does, the state may submit a SIP revision certification to that effect to meet this obligation for purposes of the 2008 ozone NAAQS.

On September 5, 2017, Connecticut submitted an emissions statement certification which covered all areas of the State. The submittal notes that Connecticut had previously adopted an emissions statement program pursuant to obligations it had under the one-hour ozone standard, and that EPA approved that program into the Connecticut SIP on January 10, 1995. *See* 60 FR 2524. Connecticut reviewed its current set of air pollution reporting requirements and confirmed that pursuant to its authority under the Regulations of Connecticut State Agencies (RCSA) 22a–174–33, 22a–174–4(d), and 22a–174–3a, all stationary sources of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_X) that emit 25 tons or more a year of those pollutants are required to report their emissions, along with a certification as to the accuracy of the reported emissions, to the State. Emissions from smaller stationary sources that emit less than 25 tons per year of VOC and/or NO_X are inventoried as area sources within Connecticut's emissions inventory, which is described in section III.B of this proposal. Given the above, we propose to approve Connecticut's emissions statement certification for purposes of the 2008 ozone NAAQS.

B. 2011 Base Year Emissions Inventory

CAA section 172(c)(3) requires that each SIP include a ''comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in [the] area. . . .'' By requiring an accounting of actual emissions from all sources of the relevant pollutants in the area, this section provides for the base year inventory to include all emissions that contribute to the formation of a particular NAAQS pollutant. Additionally, for the 2008 ozone NAAQS, EPA's March 6, 2015 ozone rule recommended 2011 as a baseline year from which emission reductions used to meet RFP requirements are creditable.

On March 9, 2016, Connecticut submitted to EPA as a SIP revision request an emissions inventory of ozone precursors for 2011. The inventory was submitted to meet the CAA section 182(a)(3)(A) obligation to develop a base year inventory, and was also used as the baseline year in the State's RFP plans which are described elsewhere in this proposal. The State conducted a public comment process on the inventory which concluded on August 31, 2015. The inventories include emission estimates in tons per summer day, and represent emissions estimates from stationary and mobile source categories during a typical summer day when ozone formation is highest. The ozone emissions inventory catalogs NO_X and VOC emissions because these pollutants are precursors to ozone formation. Connecticut's 2011 emissions inventory contains emission estimates at the county level, and also contains emission estimates summed to the geographic areas that correspond to the State's two moderate ozone nonattainment areas.

Connecticut's 2011 emission inventory documents the procedures used to estimate emissions from individual stationary sources, referred to as point sources. The inventory describes the means by which the State identifies facilities that must report their air emissions to the State, and the techniques used to verify this information. These approaches include verification of information submitted by facilities by Connecticut Department of Energy and Environmental Protection (CT DEEP) enforcement staff during compliance inspections. Connecticut transmits its point source air emissions data to EPA's National Emissions Inventory (NEI) database each year in accordance with the requirements found within 40 CFR part 51, subpart A.

Area source emission estimates are made for small, stationary sources of air pollution that do not emit much individually, but do have significant emissions collectively. Examples include gasoline stations, automobile refinishing shops, and architectural and industrial maintenance coatings. Connecticut's area source emissions inventory identifies the source categories for which the State relied upon EPA's estimates, provides information on any adjustments made to EPA estimates, and notes which categories' emission estimates were prepared by the State. The inventory also explains how double counting between emissions from facilities inventoried as individual point sources were excluded from the area source emission estimates.

Connecticut used EPA's Motor Vehicle Emissions Simulator (MOVES) model to calculate emissions for on-road and most non-road mobile source sectors. The State provided the model with local activity inputs including vehicle miles traveled (VMT) and average speed data by county provided by the Connecticut Department of Transportation. Connecticut also provided inputs to the model which reflect that the State has more light-duty vehicles and heavy-duty vehicles than national averages would suggest, and provided inputs for meteorology and fuels information.

We propose to find that the air emission estimates for these sources were adequately accounted for in Connecticut's 2011 emissions inventory. The methodology used to calculate emissions for each source category followed relevant EPA guidance, most notably the July 2017 guidance entitled ''Emissions Inventory Guidanec for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards and Regional Haze Regulations,'' used appropriate, documented emission factors, or relied on emission estimates prepared for EPA's National Emissions Inventory. Furthermore, the inventory submittal is sufficiently documented as to the techniques used to prepare the emission estimates.

Table 1 shows the emissions by source category, in tons per summer day (tpsd), from the 2011 base year emission inventory for each of the State's two nonattainment areas.

TABLE 1—EMISSIONS INVENTORY SUMMARY FOR CONNECTICUT'S NONATTAINMENT AREAS

[Tons/summer day]

Source	CT portion of NY-NJ-CT area		Greater CT area	
	VOC	NO_X	VOC	NO_X
Point	2.0	18.5	1.3	10.0
Area	52.7	6.9	48.5	6.2
Nonroad	41.8	32.5	37.0	36.1

TABLE 1—EMISSIONS INVENTORY SUMMARY FOR CONNECTICUT'S NONATTAINMENT AREAS—Continued

[Tons/summer day]

Source	CT portion of NY-NJ-CT area		Greater CT area	
	VOC	NO_X	VOC	NO_X
Onroad	33.4	64.6	30.3	55.8
Biogenic	141.4	0.7	283.7	1.7
Totals	271.3	123.3	400.7	109.8

Additional details regarding Connecticut's emissions inventory are included in Connecticut's 2011 Periodic Emissions Inventory document, which is available in the docket for this proposed rulemaking. The inventories are based on the most current and accurate information available to the State at the time it was being developed. Additionally, the inventories comprehensively address all source categories in Connecticut's nonattainment areas and were developed consistent with the relevant EPA inventory guidance. For these reasons, we are proposing to approve the 2011 baseline emissions inventories into the Connecticut SIP as meeting the requirements of CAA section 172(c)(3).

C. Reasonable Further Progress Plans

Section 182(b)(1) of the CAA and the EPA's 2008 Ozone Implementation Rule requires that State's submit a reasonable further progress (RFP) demonstration for each 8-hour ozone nonattainment area designated moderate and above, for review and approval into its SIP, that describes how the area will achieve actual emissions reductions of VOC and NO_X from a baseline emissions inventory. Section 182(b)(1) of the CAA requires RFP to demonstrate a 15% reduction in VOC emissions before the more general RFP requirements of section 172(c)(2) of the CAA apply, which permits a combination of VOC and NO_X emission reductions to show RFP. Connecticut has previously submitted 15% VOC-only RFP SIPs under section 182(b)(1), due to nonattainment obligations it had under the one-hour ozone standard. Therefore, for purposes of the 2008 ozone standard, Connecticut submitted RFP demonstrations for its two moderate nonattainment areas showing VOC and NO_X emission reductions greater than 15% within six years after the 2011 base year inventory (between 2012–2017). Note that we are only proposing action on the RFP plan for Connecticut portion of the NY-NJ-CT area.

Connecticut chose to demonstrate that RFP was achieved between the 2011 baseline year and the 2017 target year by showing that NO_X emissions would decline by at least 10%, and VOC emissions by at least 5%, within each of its nonattainment areas. Connecticut updated its 2011 emission estimates for use within the RFP baseline inventory by using the most recently available version of EPA's MOVES model, MOVES 2014a, for the calculation of on-road and non-road mobile source emissions. Additionally, Connecticut accounted for emissions available for use as emissions offsets held within its emissions offset bank within the RFP analysis. Connecticut relied primarily on the emissions projection work it had developed and submitted to the Mid-Atlantic Regional Air Management Association (MARAMA) for their effort to develop a 2017 modeling platform. The projection of emissions from electrical generating units (EGUs) was accomplished using a forecasting tool developed by the Eastern Regional Technical Advisory Group (ERTAC). We reviewed these projections during the public comment period that Connecticut held for its RFP plans and found that the ERTAC EGU emissions forecasts produced reasonable results for facilities in the State.

Table 2 below contains a summary of the 2011 RFP baseline inventory, 2017 target levels incorporating the 5% VOC and 10% NO_X emission reductions, and 2017 projected, controlled emissions for the Greater Connecticut and the Connecticut portion of the NY-NJ-CT nonattainment areas. Connecticut's RFP analysis for its two moderate nonattainment areas shows that projected, controlled VOC and NO_X emissions in 2017 will be well below the emission target levels, thereby demonstrating that RFP has been met.

TABLE 2—SUMMARY OF RFP CALCULATIONS FOR CT'S TWO NONATTAINMENT AREAS

Description	VOC emissions (tons/summer day)	NO_X emissions (tons/summer day)
RFP Baseline inventory:		
Gr. CT area	106.1	91.9
CT portion of NY-NJ-CT area	115.6	115.1
2017 target level of emissions:		
Gr. CT area	100.8	82.7
CT portion of NY-NJ-CT area	109.8	103.6
2017 projected, controlled emissions:		
Gr. CT area	84.6	56.4
CT portion of NY-NJ-CT area	92.3	71.3

RFP plans must include a motor vehicle emissions budget (MVEB), which provides the allowable on-road mobile emissions an area can produce and continue to demonstrate RFP. The State's RFP plans included MVEBs for both nonattainment areas for the year 2017. The MVEBs are discussed in detail in Section III.D of this document.

D. Motor Vehicle Emissions Budgets/ Transportation Conformity

Transportation conformity is required by section 176(c) of the CAA. Conformity to a SIP means conformity

to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of the NAAQS, and that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS (CAA 176(c)(1)(A) and (B)). The EPA's conformity rule at 40 CFR part 93, subpart A requires that transportation plans, programs and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. To effectuate its purpose, the conformity rule requires a demonstration that emissions from the Metropolitan Planning Organization's (MPO) Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) are consistent with the motor vehicle emission budget (MVEB) contained in the control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). The MVEBs are defined in 40 CFR 93.101 as the level of mobile source emissions of a pollutant, of the total allowable emissions, defined in the SIP for a certain date, for the purpose of demonstrating attainment or maintenance of the NAAQS or for meeting reasonable further progress milestones.[1]

The RFP plans submitted by Connecticut are control strategy SIPs, and they contain 2017 motor vehicle budgets for VOCs and NO_X by nonattainment area. Table 3 contains these VOC and NO_X transportation conformity budgets in units of tons per summer day.

TABLE 3—CONFORMITY BUDGETS IN THE CONNECTICUT RFP PLANS

Area name	2017 Transportation conformity budgets [tons/day]	
	VOC	NO_X
Greater Connecticut	15.9	22.2
CT portion of NY-NJ-CT area	17.6	24.6

EPA issued a letter on March 20, 2017 to Connecticut in which we stated that the budgets for the Greater Connecticut area were adequate for use in transportation conformity determinations. Additionally, EPA published an announcement of this adequacy finding in the **Federal Register** on May 31, 2017. *See* 82 FR 24859. We did not make an adequacy finding for the Connecticut portion of the NY-NJ-CT area; however, this action serves to notify the public that EPA is reviewing for adequacy the MVEBs, contained in the RFP plan for the Connecticut portion of the NY-NJ-CT area, simultaneously with our proposed approval of the RFP plan as required by 40 CFR part 93.118(f)(2). In this action, we are proposing approval of the 2008 conformity budgets for VOC and NO_X for the areas shown in Table 3 above.

E. Contingency Measures

Pursuant to section 172(c)(9) of the CAA, nonattainment plan provisions must provide for the implementation of contingency measures. These are specific measures to be undertaken if a nonattainment area fails to make RFP, or to attain the national primary ambient air quality standard by the applicable attainment date. Such contingency measures shall take effect without further action by the state or the EPA. While the CAA does not specify the type of measures or quantity of emissions reductions required, the EPA has interpreted the CAA to mean that implementation of these contingency measures would provide additional emissions reductions of up to 3% (or a lesser percentage that will make up the identified shortfall) in the year following the RFP milestone year. Contingency measures could include federal measures and local measures already scheduled for implementation, as long as their emission reductions are beyond those needed for attainment or to meet RFP. The CAA does not preclude a state from implementing such measures before they are triggered by a failure to meet RFP. For more information on contingency measures, see the April 16, 1992 General Preamble (57 FR 13498, 13510) and the 2008 ozone rule (80 FR 12264, 12285).

Connecticut provided NO_X emissions reductions in excess of those needed for RFP as contingency measures. Table 2 above illustrates the magnitude of the excess emission reductions achieved by Connecticut's RFP plans. For example, within the Greater Connecticut nonattainment area, the projected, controlled NO_X emissions in 2017 of 56.4 tons/day are 32% below the area's NO_X target of 82.7 tons/day. Given that Connecticut established the 2017 NO_X emissions target by factoring in a 10% reduction in emissions, the additional 32% reduction in NO_X emissions is more than adequate to cover the 3% reduction in emissions needed to satisfy the area's contingency measure obligation. Similarly, for the Connecticut portion of the NY-NJ-CT area, the projected, controlled NO_X emissions in 2017 of 71.3 tons/day are 31% below the area's NO_X target of 103.6 tons day, therby providing a sufficient surplus to cover that area's contingency measure obligation. Connecticut's contingency measure analysis notes that the State chose to use NO_X emission reductions from federal non-road engine standards occurring between 2012 and 2017, which form a part of the large overall NO_X emission reduction surplus, as contingency measures. Emission reductions realized as newer, lower emitting equipment replace older, higher emitting equipment carry forward into the future and will continue to reduce emissions after 2017.

The purpose of the contingency measures is to provide for further emission reductions to make up the shortfall needed for RFP or for attainment, during the period in which the State and the EPA determine whether the nonattainment plan for the area needs further revision to achieve the NAAQS expeditiously.[2] The appropriateness of relying on already-implemented reductions to meet the contingency measures requirement has been addressed in two federal circuit court decisions. *See Louisiana Environmental Action Network (LEAN)* v. *EPA,* 382 F.3d 575, 586 (5th Cir. 2004), *Bahr* v. *United States EPA,* 836

[1] Further information concerning EPA's interpretations regarding MVEBs can be found in the preamble to EPA's November 24, 1993, transportation conformity rule. *See* 58 FR 62193–62196.

[2] *See* General Preamble, section III.A.3.c (57 FR 13498 at 13511).

F.3d 1218 (9th Cir. 2016), *cert. denied,* 199 L. Ed. 2d 525, 2018 U.S. LEXIS 58 (January 8, 2018). The EPA believes that the language of section 172(c)(9) and 182(c)(9) is ambiguous with respect to this issue, and that it is reasonable for the agency to interpret the statutory language to allow approval of already implemented measures as contingency measures, so long as they meet other parameters such as providing excess emissions reductions that the state has not relied upon to make RFP or for attainment in the nonattainment plan for the NAAQS at issue. Until the *Bahr* decision, under the EPA's longstanding interpretation of CAA section 172(c)(9) and 182(c)(9), states could rely on control measures that were already implemented (so called early-triggered contingency measures) as a valid means to meet the Act's contingency measures requirement. The Ninth Circuit decision in *Bahr* leaves a split among the federal circuit courts, with the Fifth Circuit upholding the Agency's interpretation of section 172(c)(9) to allow early-triggered contingency measures and the Ninth Circuit rejecting that interpretation. The Second Circuit in which Connecticut is located has not addressed the issue, nor has the Supreme Court or any other circuit court other than the Fifth and Ninth.

Because there is a split in the federal circuits on this issue, the EPA expects that states located in circuits other than the Ninth may elect to rely on EPA's longstanding interpretation of section 172(c)(9) allowing early-triggered measures to be approved as contingency measures, in appropriate circumstances. EPA's revised Regional Consistency regulations pertaining to SIP provisions authorize the Agency to follow this interpretation of section 172(c)(9) in Circuits other than the Ninth. *See* 40 CFR part 56. To ensure that early-triggered contingency measures appropriately satisfy all other relevant CAA requirements, the EPA will carefully review each such measure, and intends to consult with states considering such measures early in the attainment plan development process.

As shown in Table 2 above, the emissions reductions projected through 2017 are sufficient to meet the requirements for contingency measures, consistent with the EPA's interpretation of the CAA to allow approval of already implemented control measures as contingency measures in states outside the Ninth Circuit. Therefore, we propose approval of Connecticut's RFP contingency measures.

F. Reasonably Available Control Measures (RACM) Analysis

Connecticut submitted a demonstration that its two moderate nonattainment areas have adopted all RACM necessary to demonstrate attainment as expeditiously as practicable as required by CAA section 172(c)(1) and 40 CFR 51.912(d). The EPA interprets the CAA RACM provision to require a demonstration that: (1) The state has adopted all reasonable measures (including RACT) to meet RFP requirements and to demonstrate attainment as expeditiously as possible, and (2) no additional measures that are reasonably available will advance the attainment date or contribute to RFP for the area. States should consider all available measures, including those being implemented in other areas, but must adopt measures for an area only if those measures are economically and technologically feasible and will advance the attainment date or are necessary for RFP.

The EPA has previously provided guidance interpreting the RACM requirements of section 172(c)(1). *See* the ''General Preamble for Implementation of Title I of the CAA of 1990'' (General Preamble), 57 FR 13498, 13560 (April 16, 1992). In that preamble, the EPA stated that potentially available measures that would not advance the attainment date for an area would not be considered RACM. The EPA also indicated in the General Preamble that states should consider all potentially available measures to determine whether they were reasonably available for implementation in the area, and whether they would advance the attainment date. Further, the General Preamble indicates that states should provide in the SIP submittals a discussion of whether the measures considered are reasonably available or not. If the measures are reasonably available, they must be adopted as RACM. Finally, the EPA indicated that states could reject potential RACM either because they would not advance the attainment date or would cause substantial widespread and long-term adverse impacts. States could also consider local conditions, such as economics or implementation concerns, in rejecting potential RACM. On November 30, 1999, John S. Seitz, Director, Office of Air Quality Planning and Standards, issued a memorandum on this topic, ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas'' which reiterated the CAA RACM requirements and elaborated on the General Preamble.

To demonstrate that the area meets the RACM requirement, Connecticut described its current regulatory structure limiting ozone precursor emissions, which stems back to the 1980s, and evaluated the likelihood of additional measures being adopted that would advance the date of attainment for the 2008 ozone standard. Connecticut notes that stationary and mobile sources of VOC and NO_X are well-controlled in the State as a result of numerous state and federal measures that have or will soon be implemented to reduce in-state emissions of ozone precursors. Connecticut's submittal mentions that, with regard to major stationary sources, reasonable available control technology (RACT) is considered a subset of RACM. Stationary sources of VOC and NO_X have been subject to RACT requirements for several decades in light of the State's nonattainment status for earlier ozone standards, and we recently approved Connecticut's RACT certification for the 2008 ozone NAAQS along with several regulatory updates that strengthened requirements for sources of NO_X. *See* 82 FR 35454; July 31, 2017. Connecticut concludes that its state regulations adopted to meet RACT, except for the most recent updates to NO_X requirements approved in our July 31, 2017 approval which have an effective date that does not occur in time to advance the attainment date for the 2008 ozone NAAQS, represent RACM for major sources.

Regarding other stationary sources of ozone precursor emissions, Connecticut notes that its participation in the Ozone Transport Commission (OTC) has, among other things, resulted in the state's adoption of a number of regulations limiting emissions from stationary, non-major sources of ozone precursor emissions. In particular, Connecticut notes that as part of its attainment planning process to meet the 1997 ozone standard, the state adopted regulations recommended by the OTC that included regulations limiting emissions from consumer and commercial products, architectural and industrial maintenance coatings, asphalt paving operations, pressure-vacuum vent valves at gasoline stations, and limits on VOC emissions used by solvent cleaning operations. Connecticut adopted these regulations jointly with other OTC states as a means of implementing effective controls at the regional level, but acknowledged that none of these measures, implemented by Connecticut alone, would be sufficient to advance attainment by one

year or more. Connecticut considers its analysis of RACM for the 1997 ozone NAAQS to largely suffice for the 2008 ozone NAAQS, but did perform an additional review to explore whether RACM for non-major stationary sources exist. This review found that ancillary NO_X emission reductions that are being achieved by a regional haze measure, a reduction of the level of sulfur allowed in distillate and residual fuel oil, qualify as a RACM measure. Connecticut will implement this regulation in two phases, with Phase 1 having become effective on July 1, 2014. The Phase 2 portion of the regulation does not become effective until July 1, 2018, are therefore is not considered RACM.

Regarding mobile source emission reductions, Connecticut evaluated the impact of a number of mobile source initiatives, including transportation control measures, to evaluate their effectiveness at reducing ozone precursor emissions. Specifically, Connecticut's RACM analysis included a summary of the emission reductions achieved by the Federal Highway Administration's Congestion Mitigation and Air Quality (CMAQ) program, as funds from this program are used, in part, to improve traffic congestion, which in turn reduces emissions from on-road vehicles. For example, Table 6.2 of Connecticut's attainment demonstration submittal for the Greater Connecticut area shows the anticipated VOC and NO_X emission reductions from specific transportation projects. The measures in Table 6.2 are expected to reduce ozone precursor emissions in Connecticut by less than 1%, and are therefore not considered to be RACM because they are not large enough to advance the attainment date by at least one year. Other mobile source measures, such as the Lawn Equipment Exchange Fund, reductions from the Diesel Emissions Reduction Act funding, Smartway, and EVConnecticut, were all found to provide meaningful reductions, but none were determined to advance the attainment date and therefore are not considered to be RACM.

The RACM analysis presented by CT DEEP did not identify any new measures that would have substantially advanced the area's achievement of the 2008 ozone NAAQS, and the State notes that atmospheric transport from upwind areas on most high ozone days overwhelms the ability of CT DEEP to significantly advance Connecticut's attainment date solely with in-state control strategies. In addition, Connecticut notes that EPA's recently finalized bump-up process provided little time to adopt and implement additional RACM candidate measures prior to the 2016 ozone season, which would need to occur to advance the attainment date by one year.

Connecticut evaluated all source categories that could contribute meaningful emission reductions and identified and evaluated an extensive list of potential control measures. The State considered the time needed to develop and adopt regulations and the time it would take to see the benefit from these measures to determine their reasonableness and availability. We agree that Connecticut has adopted all RACM for it's two moderate nonattainment areas. Therefore, we are proposing to approve Connecticut's RACM SIPs prepared for the State's two moderate nonattainment areas.

IV. Proposed Action

We are proposing to approve SIP submittals from the State of Connecticut for the 2008 ozone NAAQS for the Greater Connecticut moderate nonattainment area, and for the Connecticut portion of the New York-N. New Jersey-Long Island NY-NJ-CT moderate nonattainment area. Specifically, we are proposing to approve the following:

- An emission statement certification;
- 2011 base year emission inventories;
- RFP demonstrations;
- Motor vehicle emissions budgets;
- Contingency measures; and
- Demonstration of RACM implementation.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *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 Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

Dated: July 31, 2018.

Alexandra Dunn,

Regional Administrator, EPA Region 1.

[FR Doc. 2018–16622 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0508; FRL–9981–69—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Maryland. The State of Maryland's SIP revision satisfies the volatile organic compound (VOC) reasonably available control technology (RACT) requirements under the 2008 8-hour ozone national ambient air quality standard (NAAQS). The State of Maryland will address RACT for oxides of nitrogen (NO_X) in another SIP submission. Maryland's RACT submittal for the 2008 ozone NAAQS includes (1) certification that previously adopted RACT controls in Maryland's SIP that were approved by EPA under the 1-hour ozone and 1997 8-hour ozone NAAQS are based on the currently available technically and economically feasible controls, and that they continue to represent RACT; (2) a negative declaration demonstrating that no facilities exist in the state for the applicable control technique guideline (CTG) categories; and (3) adoption of new or more stringent RACT determinations. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2018–0508 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Gregory A. Becoat, (215) 814–2036, or by email at *becoat.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 18, 2016, the Maryland Department of the Environment (MDE) submitted a revision to its SIP that addresses the requirements of RACT under the 2008 8-hour ozone NAAQS.

I. Background

A. General

Ozone is formed in the atmosphere by photochemical reactions between VOCs and NO_X in the presence of sunlight. In order to reduce these ozone concentrations, the CAA requires control of VOC and NO_X emission sources to achieve emission reductions in moderate or more serious ozone nonattainment areas. Among effective control measures, RACT controls significantly reduce VOC and NO_X emissions from major stationary sources.

RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.[1] Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include reasonably available control measures (RACM) for attainment of the NAAQS, including emissions reductions from existing sources through adoption of RACT. A major source in a nonattainment area is defined as any stationary source that emits or has the potential to emit NO_X or VOC emissions above a certain applicability threshold that is based on the ozone nonattainment classification of the area: Marginal, Moderate, Serious, or Severe. *See* ''major stationary source'' in CAA sections 182(b), 184(b) and 302. Sections 182(b)(2) and 182(f)(1) of the CAA require states with moderate (or worse) ozone nonattainment areas to implement RACT controls on all stationary sources and source categories covered by a CTG document issued by EPA and on all major sources of VOC and NO_X emissions located in the area. EPA's CTGs establish presumptive RACT control requirements for various VOC source categories. The CTGs typically identify a particular control level that EPA recommends as being RACT. In some cases, EPA has issued Alternative Control Techniques guidelines (ACTs) primarily for NO_X source categories, which in contrast to the CTGs, only present a range for possible control options but do not identify any particular option as the presumptive norm for what is RACT. Section 183(c) of the CAA requires EPA to revise and update CTGs and ACTs as the Administrator determines necessary. EPA issued eleven new CTGs from 2006 through 2008 for a total of 44 CTGs issued since November 1990. States are required to implement RACT for the source categories covered by CTGs through the SIP.

Section 184(a) of the CAA established a single ozone transport region (OTR), comprising all or part of 12 eastern states and the District of Columbia.[2] The entire State of Maryland is part of the OTR and, therefore, must comply with the RACT requirements in section 184(b)(1)(B) and (2) of the CAA. Specifically, section 184(b)(1)(B) requires the implementation of RACT in OTR states with respect to all sources of VOC covered by a CTG. Additionally, section 184(b)(2) states that any stationary source with the potential to emit 50 tons per year (tpy) of VOCs shall be considered a major source and requires the implementation of major stationary source requirements in the OTR states as if the area were a moderate nonattainment area. A major source in a nonattainment area is defined as any stationary source that emits or has the potential to emit NO_X or VOC emissions above a certain applicability threshold that is based on the ozone nonattainment classification of the area: Marginal, Moderate, Serious, or Severe. *See* ''major stationary source'' in CAA sections 182(b) and 184(b).

[1] *See* December 9, 1976 memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas.'' *see also* 44 FR 53761, 53762 (September 17, 1979).

[2] Only a portion of the Commonwealth of Virginia is included in the OTR.

B. Maryland's History

Maryland has been subject to the CAA RACT requirements because of previous ozone nonattainment designations. The Baltimore (which includes Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties, MD, and Baltimore City, MD), Washington DC (which includes Calvert, Charles, Frederick, Montgomery, and Prince George's Counties, MD), and Philadelphia (which includes Cecil County, MD) nonattainment areas were designated as severe 1-hour ozone nonattainment areas. Kent and Queen Anne's Counties, MD were designated as a marginal 1-hour ozone nonattainment area. The remaining Maryland counties were statutorily identified as moderate nonattainment because they are in the OTR. Since the early 1990s, Maryland has implemented numerous RACT controls throughout the State to meet the CAA's RACT requirements under the 1-hour and the 1997 8-hour ozone standards. Maryland also implemented controls necessary to meet the requirements of the NO_X SIP Call (40 CFR 51.121). Under the 1997 8-hour ozone NAAQS, the Baltimore, Washington DC, and Philadelphia areas were designated as serious nonattainment areas. Kent and Queen Anne's Counties, MD were designated as a marginal ozone nonattainment area. The remaining Maryland counties were statutorily identified as moderate nonattainment because they are in the OTR. As a result, Maryland continued to be subject to the CAA RACT requirements. See 69 FR 23858, 23931 (April 30, 2004). Maryland revised and promulgated its RACT regulations and demonstrated that it complied with the 1997 CAA RACT requirements in a SIP revision approved by EPA on July 13, 2012 (77 FR 41278).

Under CAA section 109(d), EPA is required to periodically review and promulgate, as necessary, revisions to the NAAQS to continue to protect human health and the environment. On March 27, 2008, EPA revised the 1997 8-hour ozone standard by lowering the 8-hour standard to 0.075 ppm level (73 FR 16436). On May 21, 2012, EPA finalized attainment/nonattainment designations for the 2008 8-hour ozone NAAQS (77 FR 30087). Under the 2008 8-hour ozone standard, EPA designated as nonattainment three areas that contain portions of Maryland. These nonattainment areas are: The Baltimore moderate nonattainment area; the Washington DC marginal nonattainment area; and the Philadelphia marginal nonattainment area. All other remaining Maryland counties are part of the OTR. As a result, the entire State of Maryland is required to address the CAA RACT requirements by submitting to EPA a SIP revision that demonstrates how Maryland meets RACT requirements under the revised 2008 ozone standard. Maryland is required to implement RACT for the 2008 ozone NAAQS on all VOC sources covered by a CTG issued by EPA, as well as all other major stationary sources located within the state boundaries. The RACT requirements under CAA sections 182 and 184 apply to CTG sources, including eleven new CTGs that EPA issued between 2006 and 2008, and any other major stationary sources of VOC or NO_X. Maryland has retained its major source thresholds at 25 tpy for VOC and NO_X sources in the Baltimore, Washington, DC, and Philadelphia severe 1-hour ozone nonattainment areas. Maryland has retained its major source thresholds at 50 tpy for VOC and 100 tpy for NO_X in all remaining Maryland counties, consistent with the CAA requirements for States in the OTR.

C. EPA Guidance and Requirements

EPA has provided more substantive RACT requirements through final implementation rules for each ozone NAAQS, as well as guidance. On March 6, 2015, EPA issued its final rule for implementing the 2008 8-hour ozone NAAQS (the 2008 Ozone Implementation Rule). *See* 80 FR 12264. This rule addressed, among other things, control and planning obligations as they apply to nonattainment areas under the 2008 8-hour ozone NAAQS, including RACT and RACM. In this rule, EPA specifically required that states meet the RACT requirements either (1) through a certification that previously adopted RACT controls in their SIP revisions approved by EPA under a prior ozone NAAQS continue to represent adequate RACT control levels for attainment of the 2008 8-hour ozone NAAQS, or (2) through the adoption of new or more stringent regulations or controls that represent RACT control levels. A certification must be accompanied by appropriate supporting information such as consideration of information received during the public comment period and consideration of new data. Adoption of new RACT regulations will occur when states have new stationary sources not covered by existing RACT regulations, or when new data or technical information indicates that a previously adopted RACT measure does not represent a newly available RACT control level. Additionally, states are required to submit a negative declaration if there are no CTG major sources of VOC and NO_X emissions within the nonattainment area in lieu of, or in addition to, a certification.

II. Summary of SIP Revision

On August 18, 2016 Maryland submitted a SIP revision to address all of the CAA RACT requirements of RACT set forth by the CAA under for the 2008 8-hour ozone NAAQS (the 2016 RACT Submission). Specifically, Maryland's 2016 RACT Submission includes: (1) A certification that for certain categories of sources, previously-adopted VOC RACT controls in Maryland's SIP that were approved by EPA under the 1979 1-hour and 1997 8-hour ozone NAAQS continue to be based on the currently available technically and economically feasible controls, and continue to represent RACT for implementation of the 2008 8-hour ozone NAAQS; (2) the adoption of new or more stringent regulations or controls that represent RACT control levels for certain categories of sources; and (3) a negative declaration that certain CTG or non-CTG major sources of VOC sources do not exist in Maryland.

Most of Maryland's Regulations and Statutes, under Code of Maryland Regulations (COMAR) 26.11.06, 26.11.10, 26.11.11, 26.11.13, 26.11.14, 26.11.19 and 26.11.24, contain the VOC RACT controls that were implemented and approved into Maryland's SIP under the 1-hour and 1997 8-hour ozone NAAQS. Maryland also relies on COMAR 26.11.06.06—''General Emissions Standards, Prohibitions, and Restrictions—Volatile Organic Compounds,'' to achieve significant reductions from unique VOC sources. Maryland is certifying that these regulations, all previously approved by EPA into the SIP, continue to meet the RACT requirements for the 2008 8-hour ozone NAAQS for major stationary sources of VOCs and CTG-covered sources of VOCs. Maryland also submitted a negative declaration for the CTGs that have not been adopted due to no affected facilities in Maryland, and included Alternative Control Technology (ACTs) in their review of applicable 2008 8-hour ozone RACT requirements. Maryland considered controls on other sources of VOCs not covered by a CTG and adopted rules whenever deemed to be reasonably available controls. Additionally, Maryland conducted a RACT analysis for each major Non-CTG stationary source of VOC. As previously discussed, Maryland retained its major source levels at 25 tpy for VOC sources in the Baltimore, Washington, DC and

Philadelphia 1-hour severe nonattainment areas. All remaining counties which are part of the OTR major source levels remain at 50 tpy for VOC. More detailed information on these provisions as well as a detailed summary of EPA's review can be found in the Technical Support Document (TSD) for this action which is available on line at *www.regulations.gov,* Docket number EPA–R03–OAR–2018–0508.

III. Proposed Action

EPA has reviewed Maryland's 2016 RACT Submission and is proposing to approve Maryland's SIP revision on the basis that Maryland has met the RACT requirements for the 2008 8-hour ozone NAAQS as set forth by sections 182(b) and 184(b)(2) of the CAA. Maryland's SIP revision satisfies the 2008 8-hour ozone NAAQS RACT requirements through (1) certification that previously adopted RACT controls in Maryland's SIP that were approved by EPA under the 1-hour ozone and 1997 8-hour ozone NAAQS continue to be are based on the currently available technically and economically feasible controls, and that they continue to represent RACT; (2) a negative declaration demonstrating that no facilities exist in the state for certain the applicable CTG categories; and (3) adoption of new or more stringent RACT determinations when technically and economically feasible. EPA finds that Maryland's 2016 RACT Submission demonstrates that the State has adopted air pollution control strategies that represent RACT for the purposes of compliance with the 2008 8-hour ozone standard for all major stationary sources of VOC. EPA finds that Maryland's SIP implements RACT with respect to all sources of VOCs covered by a CTG issued prior to July 20, 2014, as well as represents RACT for all CTG VOC major stationary sources. EPA is soliciting public comments on the issues discussed in this document relevant to RACT requirements for Maryland for the 2008 ozone NAAQS. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference source-specific RACT determinations under the 2008 8-hour ozone NAAQS for certain major sources of VOC emissions. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule, Maryland's 2008 8-hour ozone RACT SIP revision does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: July 24, 2018.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2018–16603 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0373; FRL–9981–68—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Interstate Transport Requirements for the 2012 Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the state of West Virginia. This revision pertains to the infrastructure requirement for interstate transport of pollution with respect to the 2012 fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS). EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0373 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed

from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Joseph Schulingkamp, (215) 814–2021, or by email at *schulingkamp.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 12, 2015, the State of West Virginia, through the West Virginia Department of Environmental Protection (WVDEP) submitted a SIP revision addressing all required infrastructure elements under section 110(a) of the CAA for the 2012 $PM_{2.5}$ NAAQS. On May 12, 2017, EPA approved all portions of West Virginia's November 12, 2015 submittal except the portions of the submittal which address section 110(a)(2)(D)(i)(I) (prongs 1 and 2) and 110(a)(2)(D)(i)(II) (prong 4). *See* 82 FR 22076. As explained in the final rule, EPA intended to take separate action on these portions of West Virginia's submittal. At this time, EPA is only taking action on 110(a)(2)(D)(i)(I) (prongs 1 and 2) and is not taking action on 110(a)(2)(D)(i)(II) (prong 4); EPA is proposing separate action on prong 4. *See* 83 FR 27734 (June 14, 2018).

I. Background

A. General

Particle pollution is a complex mixture of extremely small particles and liquid droplets in the air. When inhaled, these particles can reach the deepest regions of the lungs. Exposure to particle pollution is linked to a variety of significant health problems. Particle pollution also is the main cause of visibility impairment in the nation's cities and national parks. $PM_{2.5}$ can be emitted directly into the atmosphere, or it can form from chemical reactions of precursor gases including sulfur dioxide (SO_2), nitrogen dioxide (NO_2), certain volatile organic compounds (VOC), and ammonia. On January 15, 2013, EPA revised the level of the health based (primary) annual $PM_{2.5}$ standard to 12 micrograms per meter cubed ($\mu g/m^3$). *See* 78 FR 3086.

B. EPA's Infrastructure Requirements

Pursuant to section 110(a)(1) of the CAA, states are required to submit a SIP revision to address the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements to assure attainment and maintenance of the NAAQS—such as requirements for monitoring, basic program requirements, and legal authority. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances of each NAAQS and what is in each state's existing SIP. In particular, the data and analytical tools available at the time the state develops and submits the SIP revision for a new or revised NAAQS affect the content of the submission. The content of such SIP submission may also vary depending upon what provisions the state's existing SIP already contains.

Specifically, section 110(a)(1) provides the procedural and timing requirements for SIP submissions. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS such as requirements for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the NAAQS.

C. Interstate Pollution Transport Requirements

Section 110(a)(2)(D)(i)(I) of the CAA requires a state's SIP to address any emissions activity in one state that contributes significantly to nonattainment, or interferes with maintenance, of the NAAQS in any downwind state. The EPA sometimes refers to these requirements as prong 1 (significant contribution to nonattainment) and prong 2 (interference with maintenance), or jointly as the ''good neighbor'' provision of the CAA. On March 17, 2016, EPA issued a memorandum providing information on the development and review of SIPs that address CAA section 110(a)(2)(D)(i) for the 2012 $PM_{2.5}$ NAAQS (2016 $PM_{2.5}$ Memorandum).[1] Further information can be found in the Technical Support Document (TSD) for this rulemaking action, which is available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2017–0337.

II. Summary of SIP Revision and EPA Analysis

West Virginia's November 12, 2015 SIP submittal alleged that the current West Virginia SIP contains adequate measures to ensure that the state is not causing significant contribution to nonattainment in, nor interfering with the maintenance of, any other state with respect to the 2012 $PM_{2.5}$ NAAQS. West Virginia refers to the measures detailed in the section pertaining to section 110(a)(2)(A), which included numerous SIP-approved measures and other federally enforceable measures, pursuant to permitting requirements under the CAA, that apply to sources of $PM_{2.5}$ and its precursors within West Virginia. A detailed summary of West Virginia's submittal and EPA's review and rationale for approval of this SIP revision as meeting CAA section 110(a)(2)(D)(i)(I) for the 2012 $PM_{2.5}$ NAAQS may be found in the TSD for this rulemaking action, which is available online at *www.regulations.gov,* Docket number EPA–R03–OAR–2016–0373.

EPA used the information in the 2016 $PM_{2.5}$ Memorandum and additional information for the evaluation and came to the same conclusion as West Virginia. As discussed in greater detail in the TSD, EPA identified the potential downwind nonattainment and maintenance receptors identified in the 2016 $PM_{2.5}$ Memorandum, and then evaluated them to determine if West Virginia's emissions could potentially contribute to nonattainment and maintenance problems in 2021, the attainment year for moderate $PM_{2.5}$ nonattainment areas. Specifically, the analysis identified the following areas as potential nonattainment and maintenance receptors: (i) 17 potential receptors in California; (ii) one potential receptor in Shoshone County, Idaho; (iii) one potential receptor in Allegheny County, Pennsylvania; (iv) data gaps exist for the monitors in four counties

[1] ''Information on the Interstate Transport ''Good Neighbor'' Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I),'' Memorandum from Stephen D. Page, Director, EPA Office of Air Quality Planning and Standards (March 17, 2016). A copy is included in the docket for this rulemaking action.

in Florida; and (v) data gaps exist for all monitors in Illinois. For the 17 receptors in California and one potential receptor in Idaho, based on EPA's evaluation of distance and wind direction, EPA proposes to conclude that West Virginia's emissions do not significantly impact those receptors. For the potential receptor in Allegheny County, EPA expects the air quality affecting that monitor to improve to the point where the monitor will not be a nonattainment or maintenance receptor by 2021 and is therefore unlikely to be a receptor for purposes of interstate transport. For the four counties in Florida and the monitors in Illinois with data gaps, EPA initially treats those receptors as potential nonattainment or maintenance receptors, but it is unlikely that they will be nonattainment or maintenance receptors in 2021 because the most recent air quality data (from 2015–2017 for Florida and from 2015–2016 for Illinois) indicates that all monitors are likely attaining the $PM_{2.5}$ NAAQS and are therefore unlikely to be nonattainment or maintenance concerns in 2021. Therefore, EPA proposes to conclude that West Virginia emissions will not contribute to those monitors. For these reasons, EPA is proposing to find that West Virginia's existing SIP provisions as identified in the November 12, 2015 SIP submittal are adequate to prevent its emission sources from significantly contributing to nonattainment or interfering with maintenance in another state with respect to the 2012 $PM_{2.5}$ NAAQS.

III. Proposed Action

EPA is proposing to approve the November 12, 2015 West Virginia SIP revision addressing the interstate transport requirements for the 2012 $PM_{2.5}$ NAAQS because the submittal adequately addresses section 110(a)(2)(D)(i)(I) of the CAA. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

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

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

The SIP, addressing West Virginia's interstate transport obligations with respect to the 2012 $PM_{2.5}$ NAAQS, is not approved to apply on any Indian reservation land as defined in 18 U.S.C. 1151 or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

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

Dated: July 12, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–16602 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R07–OAR–2017–0734; FRL 9981–28—Region 7]

Air Plan Approval and Air Quality Designation; MO; Redesignation of the Missouri Portion of the St. Louis Missouri-Illinois Area to Attainment of the 1997 Annual Standards for Fine Particulate Matter and Approval of Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On January 5, 2018, the Environmental Protection Agency (EPA) published in the **Federal Register** an advanced notice of proposed rulemaking (ANPR) specifically requesting early input and comments on the Agency's interpretation that air quality monitoring data from 2015–2017 support a finding that the Missouri Portion of the St. Louis nonattainment area attains the 1997 Annual National Ambient Air Quality Standards (NAAQS) for fine particulate matter ($PM_{2.5}$). The notice also provided an evaluation of Missouri's 1997 Annual $PM_{2.5}$ NAAQS maintenance plan, which includes the 2008 and 2025 NO_X and $PM_{2.5}$ motor vehicle emission budgets (MVEBs) and established the 2008 base year emissions inventory. EPA received no comments on the ANPR. EPA is now taking direct final action on three items, consistent with the ANPR. First, EPA is approving the state's request to redesignate the Missouri portion of the St. Louis MO-IL nonattainment area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS as the monitoring values demonstrate the area attains the standard. Second, EPA is approving the state implementation plan (SIP) revision containing a maintenance plan for the Missouri portion of the area including the motor vehicle emissions budget. Third, EPA is approving Missouri's 2008 base year emissions inventory in accordance with section 172(c)(3) of the CAA. In the ''Rules and Regulations'' section of this **Federal Register**, we are approving the state's SIP revisions as a direct final rule without a prior proposed rule. If we receive no adverse

comment, we will not take further action on this proposed rule.

DATES: Comments must be received September 4, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R07–OAR–2017–0734 to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7214, or by email at *kemp.lachala@epa.gov.*

SUPPLEMENTARY INFORMATION: This document proposes to take action on the State of Missouri request to redesignate the Missouri portion of the St. Louis MO-IL nonattainment area to attainment for the 1997 Annual National Ambient Air Quality Standards (NAAQS) for fine particulate matter ($PM_{2.5}$), and to approve the state's 2008 emissions inventory. We have published a direct final rule approving the State's SIP revision(s) in the ''Rules and Regulations'' section of this **Federal Register**, because we view this as a noncontroversial action and anticipate no relevant adverse comment. We have explained our reasons for this action in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We would address all public comments in any subsequent final rule based on this proposed rule. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 16, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 2018–16004 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 150
Friday, August 3, 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; Helicopter Pilot Qualifications and Approval Record

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the revision of a currently approved information collection, Helicopter Pilot Qualifications and Approval Record.

DATES: Comments must be received in writing on or before October 2, 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: USDA Forest Service, Assistant Director Aviation, Fire and Aviation Management, 1400 Independence Avenue SW, Mailstop 1107, Washington DC 20250–1107. Comments also may be submitted via facsimile to 202–205–1401, phone 202–205–1483 or by email to: *jmpower@fs.fed.us.*

The public may inspect comments received at USDA Forest Service, Fire and Aviation Management, 1400 Independence Avenue SW, Washington DC 20250, during normal business hours. Visitors are encouraged to call ahead to 202–205–1483 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Jeff Power, Assistant Director Aviation, 202–205–1483. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Helicopter Pilot Qualifications and Approval Record

OMB Number: 0596–0015.

Expiration Date of Approval: 12/31/2018.

Type of Request: Renewal with Revision.

Abstract: The Forest Service contracts with approximately 400 vendors a year for commercial aviation services utilized in resource protection and project management. In recent years, the total annual use of contract aircraft and pilots has exceeded 80,000 hours. In order to maintain an acceptable level of safety, preparedness, and cost-effectiveness in aviation operations, Forest Service contracts include rigorous qualifications for pilots and specific condition, equipment, and performance requirements for aircraft as aviation operations are conducted under extremely adverse conditions of weather, terrain, turbulence, smoke reduced visibility, minimally improved landing areas, and congested airspace around wildfires. To ensure agency contracting officers that pilots and aircraft used for aviation operations meet specific Forest Service qualifications and requirements for aviation operations, prospective contract pilots fill out one of the following Forest Service forms:

- FS–5700–20—Airplane Pilot Qualifications and Approval Record
- FS–5700–20a—Helicopter Pilot Qualifications and Approval Record

Contract Officers' Technical Representatives use forms:

- FS–5700–21—Airplane Data Record
- FS–5700–21a—Helicopter Data Record

When inspecting the aircraft for contract compliance. Based upon the approval(s) documented on the form(s), each contractor pilot and aircraft receives an approval card. The Forest Service personnel verify possession of properly approved cards before using contracted pilots and aircraft.

Information collected on these forms includes:

- Name.
- Address.
- Certification numbers.
- Employment history.
- Medical Certification.
- Airplane/helicopter certifications and specifications.
- Accident/violation history.

Without the collected information, Forest Service Contracting Officers, as well as Forest Service pilot and aircraft inspections, cannot determine if contracted pilots and aircraft meet the detailed qualification, equipment, and condition requirements essential to safe and effective accomplishment of Forest Service specified flying missions. Without a reasonable basis to determine pilot qualifications and aircraft capability, Forest Service employees would be exposed to hazardous conditions. The data collected documents the approval of contract pilots and aircraft for specific Forest Service aviation missions. Information will be collected and reviewed by Contracting Officers or their designated representatives, including aircraft inspectors, to determine whether the aircraft and/or pilot(s) meet all contract specifications in accordance with Forest Service Handbook (FSH) 5709.16, chapter 10, sections 15 and 16. Forest Service pilot and aircraft inspectors maintain the collected information in Forest Service regional offices. The Forest Service, at times, shares the information with the Department of the Interior, Aviation Management Directorate, as each organization accepts contract inspections conducted by the other.

Estimate of Annual Burden: 60 minutes.

Type of Respondents: Vendors/Contractors.

Estimated Annual Number of Respondents: 2100.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2100 hours.

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

All comments received in response to this notice, including names and

addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: July 20, 2018.

Patti Hirami,

Acting Deputy Chief, State & Private Forestry.

[FR Doc. 2018–16663 Filed 8–2–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Snow King Mountain Resort On-mountain Improvements Project Environmental Impact Statement, Bridger-Teton National Forest, Jackson Ranger District, Teton County, Wyoming

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service has accepted a master development plan from Snow King Mountain Resort. The master development plan is a multi-year plan for improvement and expansion of facilities at the resort, which operates in part under special use permit with the Forest Service. The proposed action is to update existing facilities and develop new winter and summer recreation opportunities. The Forest Service is considering the authorization of a permit boundary expansion, building a multi-function guest services building on the summit of Snow King Mountain, adding additional ski lifts and lift upgrades, building new ski runs and improving existing runs, expanding and improving snowmaking and night-lighting coverage, building a mountain bike park and trail system, adding hiking trails, and building additional service facilities.

DATES: Comments concerning the scope of the analysis must be received by within 30 days from date of publication of this notice in the **Federal Register**. The draft environmental impact statement is expected February 2019 and the final environmental impact statement is expected July 2019.

ADDRESSES: Electronic comments are encouraged. Please address any form of comments as ''Attention: SKMR On-mountain Improvement Projects.'' Electronic comments should be submitted in rich text format (.rtf) or Word (.doc) to *comments-intermtn-bridger-teton-jackson@fs.fed.us.* Written comments should be submitted to: Bridger-Teton National Forest—Jackson Ranger District, P.O. Box 1689, Jackson, WY 83001—attention Mary Moore. Comments may be hand-delivered to 340 N. Cache St. between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mary Moore, Jackson District Ranger, *marymoore@fs.fed.us* or (307) 739–5410. 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: Snow King Mountain Resort's multi-year master development plan proposes improvements and expansion of facilities at the resort, which operates in part under special use permit with the Forest Service. This Notice of Intent initiates the scoping period for this project and allows the Forest Service to provide background information, the project's purpose and need, the proposed actions, preliminary issues, the scoping process, cooperating agencies, the responsible official, and the decision to be made. These details are outlined below.

Background

Snow King Mountain Resort was one of the original ski areas to be permitted on National Forest Land and has been in operation for more than seventy years. The resort is adjacent to the southern boundary of the town of Jackson, Teton County, Wyoming, and is known locally as the ''Town Hill.'' Roughly the lower quarter of the resort is private land where base-area facilities (*e.g.* Snow King Resort Hotel, rental condominiums, ticket sales, equipment rental, food service, and parking), the bottom terminals and lower portions of the resort's three chairlifts and associated ski terrain, and summer recreational infrastructure (*e.g.* alpine slide, mountain coaster, and ropes course) are located. The upper three-quarters of the resort are on National Forest System land (338 acres in the permit area) that comprises the three chairlift top terminals, ski terrain, and service roads.

The resort's ski terrain totals about 400 acres, including about 135 acres of developed ski runs and 265 acres of natural openings and tree skiing areas, between and around the developed runs. The resort's snowmaking system includes much of the ski terrain on both private and public land, and night lighting covers roughly the lower half of the existing slopes.

Purpose and Need

Two emerging developments in the mountain resort industry underlie the purpose and need for the proposed action. First, extensive customer surveys conducted by the ski industry indicate that visitors are increasingly seeking a more diverse range of recreational activities, particularly for families, that includes year-round opportunities and activities that are more adventurous. The Forest Service response to this trend includes our 2012 introduction of the *Framework for Sustainable Recreation,* which sets goals for providing a diverse array of recreational opportunities aimed at connecting people with the outdoors and promoting healthy lifestyles, in partnership with other public and private recreation providers.

Second, passage of the *Ski Area Recreational Opportunity Enhancement Act of 2011* provides direction on the types of summer activities the Forest Service should consider authorizing to round out the range of opportunities provided to the public at permitted mountain resorts.

Reflecting these considerations, the purposes to be achieved through the proposed action are:

- To maintain and improve the winter sport infrastructure on National Forest System lands at Snow King Mountain Resort.
- To provide new and innovative forms of year-round outdoor recreation for residents and visitors to Jackson Hole, using the existing resort infrastructure as the hub.
- To capitalize on the established relationship between the Bridger-Teton National Forest and Snow King Mountain Resort that connects visitors with the natural environment and supports the quality of life and the economy of the local community.

The *needs* that must be resolved in order to achieve these purposes include:

- Improve and increase beginner and intermediate ski terrain, lifts, and facilities to serve as the primary ski resort in Jackson, WY to introduce and recruit new skiers to the sport.
- Expand snowmaking on the mountain to enable an early November opening for ski race training, provide coverage to the upper mountain, and aid in fire prevention.
- Introduce high-quality guest service facilities to attract and retain local and destination skiers, serve as an event venue, and provide an outdoor education center for Jackson residents and visitors.
- Provide access to a wide range of year-round activities catering to a

variety of visitors passing through the Town of Jackson.

Proposed Action

The Bridger-Teton National Forest proposes to authorize Snow King Mountain Resort to implement the following projects on National Forest System lands in Teton County, Wyoming under a special use permit:

- A new ski school/teaching center on the ridgeline west of the Snow King summit.
- Development of skiing in the natural bowl on the back side, south of the Snow King summit. This southernmost portion of the current special use permit area is suitable for development of low-intermediate and intermediate level ski terrain, complementing the summit teaching center.
- A 67-acre special use permit boundary adjustment on the front side, east of the existing permit area, to accommodate part of a summit access road/novice skiway, intermediate-level terrain lower on the slope (including groomed runs and tree and glade skiing), and a novice route down from Rafferty lift (via the access road/novice skiway).
- An 89-acre special use permit boundary adjustment on the front side, west of the existing permit area, to accommodate a summit teaching center, another part of the summit access road/novice skiway, and to accommodate expert-level tree and glade skiing.
- New ski terrain totaling about 97.5 acres (groomed runs and teaching terrain).
- Upgrading the existing Summit lift to a gondola, and installation of one new chair lift, two teaching area conveyors, and one surface lift.
- On-mountain facilities (the summit restaurant/guest services building and ski patrol facility, a temporary ski patrol building at the top of Cougar, an observatory and planetarium at the summit, a wedding venue west of the summit building, and a year-round yurt camp at the southern point of the special use permit area).
- 147.1 acres of added snowmaking (with few exceptions, all existing and proposed runs).
- Improved and expanded lighting for night skiing.
- Front-side mountain bike trails and a back-side mountain bike zone.
- Hiking trails between the summit and the west base, west of Exhibition run.
- A zip line from the summit to the west base area, paralleling the Summit lift.

A more detailed description of the proposed action, including maps, is available at: *http://www.fs.usda.gov/project/?project=54202.*

Preliminary Issues

Preliminary issues include potential effects on watershed resources, local plant and animal species, scenic integrity, socioeconomics, and other recreational use.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. In addition, a public open house is proposed for 2019 during the formal comment period on the draft environmental impact statement.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including the 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.

Lead and Cooperating Agencies

The Forest Service will be the lead federal agency, in accordance with *40 Code of Federal Regulations (CFR) 1501.5(b),* and is responsible for the preparation of the environmental impact statement. The Town of Jackson is a cooperating agency. Scoping will determine if any additional cooperating agencies are needed.

Responsible Official

Patricia O'Conner, Forest Supervisor, Bridger-Teton National Forest.

Nature of Decision To Be Made

The responsible official will decide whether to authorize Snow King Mountain Resort to implement the actions, as proposed in the master development plan, in full, part or modified, or to take no action. If the decision is to authorize Snow King Mountain Resort's actions in a special use permit, then the responsible official will also decide what design features and monitoring will be required.

Dated: July 9, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–16559 Filed 8–2–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Inyo National Forest; California; Revision of the Land Management Plan for the Inyo National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of opportunity to object to the Revised Land Management Plan for the Inyo National Forest.

SUMMARY: The Forest Service is revising the Inyo National Forest's Land and Resource Management Plan (forest plan). The Forest Service has prepared a Final Environmental Impact Statement (FEIS) for its revised forest plan and a draft Record of Decision (ROD). This notice is to inform the public that the Inyo National Forest is initiating a 60-day period where individuals or entities with specific concerns about the Inyo's revised forest plan and the associated FEIS may file objections for Forest Service review prior to the approval of the revised forest plan. This is also an opportunity to object to the Regional Forester's list of species of conservation concern (SCC) for the Inyo National Forest.

DATES: The Inyo's revised forest plan, FEIS, draft ROD, and other supporting information will be available for review at *http://www.fs.usda.gov/goto/R5/FPR_Inyo* and the Pacific Southwest Region species of conservation concern web page, *https://www.fs.usda.gov/detail/r5/landmanagement/planning/?cid=STELPRD3847418.* The publication date of the legal notice in the Inyo National Forest's newspaper of record, *The Inyo Register,* initiates the 60-day objection period and is the exclusive means for calculating the time to file an objection (36 CFR 219.52 (c)(5)). An electronic scan of the legal notice with the publication date will be posted at the website above.

ADDRESSES: Copies of the Inyo National Forest's revised forest plan, FEIS, and draft ROD can be obtained online at: *https://www.fs.usda.gov/main/inyo/landmanagement/planning* or at the following office: Inyo National Forest Supervisor's Office, 351 Pacu Lane Suite 200, Bishop, CA 93514–3101, Phone: 760–873–2400.

Objections must be submitted to the Objection Reviewing Officer Barnie

Gyant, Deputy Regional Forester, at: USDA Forest Service, Pacific Southwest Region, ATTN: Inyo Forest Plan Objection, 1323 Club Dr., Vallejo, CA 94592, Fax: (707) 562–9049. Note that the office hours for submitting a hand-delivered objection are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding Federal holidays. Electronic objections may be submitted to *objections-pacificsouthwest-regional-office@fs.fed.us* in common formats (.doc, .docx, .rtf, .pdf, or .txt) with ''Inyo Forest Plan Objection'' or ''Inyo species of conservation concern'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Inyo National Forest Environmental Coordinator, Leeann Murphy at 760–873–2404 or *lbmurphy@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 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

The decision to approve the revised forest plan for the Inyo National Forest and the Regional Forester's list of SCC will be subject to the objection process identified in 36 CFR part 219 Subpart B (219.50 to 219.62). An objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address along with a telephone number or email address if available. In cases where no identifiable name is attached to an objection, the Forest Service will attempt to verify the identity of the objector to confirm objection eligibility;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection. The Forest Service will communicate to all parties to an objection through the lead objector. Verification of the identity of the lead objector must also be provided if requested;

(4) The name of the plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or parts of the plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If the objector believes that the plan revision is inconsistent with law, regulation, or policy, an explanation should be included;

(7) A statement that demonstrates the link between the objector's prior substantive formal comments and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment; and

(8) All documents referenced in the objection (a bibliography is not sufficient), except that the following need not be provided:

a. All or any part of a Federal law or regulation,

b. Forest Service Directive System documents and land management plans or other published Forest Service documents,

c. Documents referenced by the Forest Service in the planning documentation related to the proposal subject to objection, and

d. Formal comments previously provided to the Forest Service by the objector during the plan revision comment period.

It is the responsibility of the objector to ensure that the Reviewing Officer receives the objection in a timely manner. The regulations prohibit extending the length of the objection filing period.

Responsible Official

The responsible official who will approve the ROD and the revised forest plan for the Inyo National Forest is Barbara Drake, Acting Forest Supervisor, Inyo National Forest, 351 Pacu Lane Suite 200, Bishop, CA 93514–3101. The responsible official for the SCC list is Randy Moore, Regional Forester, USDA Forest Service Pacific Southwest Region, 1323 Club Drive, Vallejo, CA 94592.

The Regional Forester is the reviewing officer for the revised forest plan since the Forest Supervisor is the deciding official (36 CFR 219.56(e)(2)). The Regional Forester will consider comments received and respond to them in the FEIS and ROD. The decision to approve the SCC list will be subject to a separate objection process. The Chief of the Forest Service is the reviewing officer for SCC identification since the Regional Forester is the deciding official (36 CFR 219.56(e)(2)). Information about species of conservation concern is available at *https://www.fs.usda.gov/detail/r5/landmanagement/planning/?cid=STELPRD3847418.*

Dated: June 29, 2018.

Glenn P. Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–16662 Filed 8–2–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Solicitation of Applications for the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the solicitation of applications for funds available under the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program (the Program) to provide guaranteed loans to fund the development, construction, and retrofitting of commercial scale biorefineries using eligible technology and of Biobased product manufacturing facilities that use technologically new commercial scale processing and manufacturing equipment to convert renewable chemicals and other biobased outputs of biorefineries into end-user products, on a commercial scale.

DATES: With this Notice, the Agency is announcing two separate application cycles, as is provided which are application closing dates of 4:30 p.m. Eastern Daylight Time, October 1, 2018, and 4:30 p.m. Eastern Daylight Time, April 1, 2019.

Applications must be received in the USDA Rural Business-Cooperative Service, Energy Programs no later than 4:30 p.m. Eastern Daylight Time of the application closing date to compete for program funds. Any application received after 4:30 p.m. Eastern Daylight Time of the application closing date will be considered for the subsequent application cycle, provided that funding is available.

ADDRESSES: Applications and forms may be obtained from:

- USDA, Rural Business-Cooperative Service, Energy Programs, Attention: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225.
- Agency website: *http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home.* Follow the instructions for obtaining the application and forms. Application materials can also be obtained from the Agency's website. *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program.*

FOR FURTHER INFORMATION CONTACT: Aaron Morris, Assistant Deputy Administrator, USDA Rural Business-

Cooperative Service, Energy Programs, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225. Telephone: 202–720–1501. Email: *Aaron.Morris@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Preface

The Agency encourages applications that will support recommendations made in the Rural Prosperity Task Force report to help improve life in rural America (*www.usda.gov/ruralprosperity*). Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships, and innovation. Key strategies include:

- Achieving e-Connectivity for Rural America
- Developing the Rural Economy
- Harnessing Technological Innovation
- Supporting a Rural Workforce
- Improving Quality of Life

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with the Program, as covered in this Notice, have been approved by the Office of Management Budget (OMB) under OMB Control Number 0570–0065.

Overview

Federal Agency Name: Rural Business-Cooperative Service (an Agency of USDA in the Rural Development mission area).

Solicitation Opportunity Title: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program.

Announcement Type: Notice of Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: The CFDA number for this Notice is 10.865.

Dates: Applications must be received in the USDA Rural Business-Cooperative Service, Energy Programs no later than the application closing dates of 4:30 p.m. Eastern Daylight Time, October 1, 2018, and 4:30 p.m. Eastern Daylight Time, April 1, 2019. Any application received after 4:30 p.m. Eastern Daylight Time of the application closing date will be considered for the subsequent application cycle, provided that funding is available.

Availability of Notice and Rule: This Notice and the interim rule for the Program are available on the USDA Rural Development website at: *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program.*

I. Funding Opportunity Description

A. *Purpose of the Program.* The purpose of the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program is to assist in the development of new and emerging technologies for the development of advanced biofuels, renewable chemicals, and biobased product manufacturing. This is achieved through guarantees for loans made to fund the development, construction, and retrofitting of commercial scale biorefineries using eligible technology and of biobased product manufacturing facilities that use technologically new commercial scale processing and manufacturing equipment and required facilities to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.

B. *Statutory Authority.* This Program is authorized under 7 U.S.C. 8103. Regulations are contained in 7 CFR part 4279, subpart C and in 7 CFR part 4287, subpart D.

C. *Definition of Terms.* The definitions applicable to this Notice are published at 7 CFR 4279.202 and 7 CFR 4287.302.

D. *Application awards.* The Agency will review, evaluate, score, and award applications received in response to this Notice based on the provisions found in 7 CFR part 4279, subpart C and as indicated in this Notice.

II. Award Information

A. *Available funds.* This Notice is a solicitation for applications that will be funded using budget authority provided by the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) and the Agricultural Act of 2014 (2014 Farm Bill).

B. *Type of Award.* Guaranteed loan.

C. *Approximate Number of Awards.* Subject to the amount of funding available.

D. *Guarantee Loan Funding.* The provisions of 7 CFR 4279.232 apply to this Notice. The Borrower needs to provide the remaining funds from other non-Federal sources to complete the Project.

E. *Guarantee and Annual Renewal Fees.* The guarantee and annual renewal fees specified in 7 CFR 4279.231 are applicable to this Notice.

F. *Anticipated Award Date.* The award date will vary based on timing of completion of each project's individual application process.

III. Eligibility Information

A. *Eligible Lenders.* To be eligible for this program, lenders must meet the eligibility requirements in 7 CFR 4279.208.

B. *Eligible Borrowers.* To be eligible for this program, borrowers must meet the eligibility requirements in 7 CFR 4279.209.

C. *Eligible Projects.* To be eligible for this program, projects must meet the eligibility requirements in 7 CFR 4279.210.

D. *Application Completeness.* Incomplete Phase 1 applications will be rejected and the project will be given no further consideration. Lenders will be informed of the element(s) that made the application incomplete. If the lender makes the required edits and resubmits the application to the USDA's Rural Business-Cooperative Service, Energy Programs by 4:30 p.m. Eastern Daylight Time, on the application closing date, the Agency will reconsider the application.

IV. Application Submission Information

A. *Letter of Intent.* For each guarantee request, the lender or the borrower must submit to the Agency a non-binding letter of intent to apply for a loan guarantee, not less than 30 calendar days prior to the application deadline. The letter of intent due date is August 31, 2018, for the October 1, 2018, application cycle and March 1, 2019, for the April 1, 2019, cycle. The letter must identify the borrower, the lender and any project sponsors; describe the project and project location; describe the proposed feedstock, primary technologies of the facility, and primary products produced; estimate the total project cost and amount of loan requested; and identify the application cycle due date. The Agency reserves the right to request additional information from potential applicants. Applications submitted without a letter of intent may be accepted by the Agency at the Agency's discretion.

B. *Application Submittal.* For each guarantee request, the lender must submit to the Agency an application that is in conformance with 7 CFR 4279.261. The content and methods of application submittal are specified below. Additionally, the Agency has developed an application guide that explains the application procedures and details the process for submission of an application. This guide is located at *http://www.rd.usda.gov/files/RBS_Section9003Biorefinery_ApplicationGuide.pdf.*

C. *Content and Form of Submission.* All applicants must submit one paper copy of the application materials and an electronic copy containing the same information that is included in the

paper copy. Detailed instructions regarding application submission are explained in the application guide that the Agency has developed. The application guide is available online on the ''Forms and Resources'' page at *http://www.rd.usda.gov/programs-services/biorefinery-assistance-program* or by contacting Aaron Morris, Telephone: 202–720–1501. Email: *Aaron.Morris@wdc.usda.gov.* Application materials should be submitted to USDA Rural Business-Cooperative Service, Energy Programs, Attention: Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program, 1400 Independence Avenue SW, Room 6901–S, Washington, DC 20250–3225.

The Agency's application process is divided into two phases. Phase 1 applications will provide information needed to determine lender, borrower, and project eligibility; preliminary economic and technical feasibility; and the priority score of the application. Based on the priority score ranking, the Agency will invite applicants whose Phase 1 applications receive higher priority scores to submit Phase 2 applications. Phase 2 application materials will be submitted as the project planning and engineering are finalized and will include information such as: Environmental compliance information, technical report, financial model, and the lender's credit evaluation. Phase 1 applications must contain the information required in the Agency's application guide and in accordance with 7 CFR 4279.261.

D. *Local Owner.* For applications submitted under this Notice, when the majority of feedstock to be utilized by the project on an annual basis is harvested from the land, the term ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within the geographic area that the biorefinery's feedstock originates. In all other cases, ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within 100 miles of the biorefinery. This definition will remain in effect until amended by a future **Federal Register** Notice.

V. Biobased Product Manufacturing

This notice also includes the solicitation of applications for funds available under the Biorefinery, Renewable Chemical, and Biobased Product Manufacturing Assistance Program to specifically fund biobased product manufacturing. The 2014 Farm Bill added biobased product manufacturing to the Program and provided for up to 15 percent of the mandatory funds for fiscal years 2014 and 2015 to be used to support facilities producing biobased products for end use. The 2014 Farm Bill provides the definition of ''biobased product manufacturing,'' which the Agency has incorporated into the subsequent interim rule (see 7 CFR 4279.202). This definition requires that the biobased product manufacturing facility use renewable chemicals and other biobased outputs of biorefineries as inputs and also requires that the borrower use technologically new commercial scale processing and manufacturing equipment and required facilities. The facility must produce end-user products.

VI. Biobased Product Manufacturing Eligibility Information

The eligibility requirements for prospective lenders and borrowers will not change from those listed above for the program, generally. For biobased product manufacturing projects, the eligible project requirement is modified to reflect that eligible projects will use technologically new commercial scale processing and manufacturing equipment and required facilities to convert renewable chemicals and other biobased outputs of biorefineries into end-user products on a commercial scale.

Additionally, for purposes of biobased product manufacturing projects, only for purposes of technical review, technical reports need to address only the technologically new commercial scale processing and manufacturing equipment and required facilities.

VII. Biobased Product Manufacturing Application Processing Procedures

The application processing procedures will remain the same for biobased product manufacturing projects as for the projects described above.

For applications submitted under this Notice, ''local owner'' is defined as an individual who owns any portion of an eligible biorefinery and whose primary residence is located within 100 miles of the biorefinery.

VIII. Biobased Product Manufacturing Scoring

In lieu of the criteria listed in 7 CFR 4279.266, biobased product manufacturing projects will be scored using the criteria listed below. The scoring criteria below will remain in effect until amended by another **Federal Register** Notice. The scoring criteria are as follows:

(a) Whether the borrower has established a market for the manufactured biobased product, as applicable. A maximum of 16 points can be awarded. Points to be awarded will be determined as follows:

(1) Degree of commitment of contracted sales agreements. A maximum of 6 points will be awarded.

(i) If the borrower has signed contracts for purchase for greater than 50 percent of the dollar value of manufactured biobased product, 6 points will be awarded.

(ii) If the borrower has signed letters of intent to enter into contracted sales agreements, or comparable documentation, for the purchase for greater than 50 percent of the dollar value of the manufactured biobased product, or combination of signed contracts or agreements and letters of intent or comparable documentation, 4 points will be awarded.

(iii) If the borrower has signed letters of interest to enter into contracted sales agreements, or comparable documentation, for the purchase for greater than 50 percent of the dollar value of the manufactured biobased product, or combination of signed contracts, letters of intent or comparable documentation, 2 points will be awarded.

(2) Duration of contracted sales agreements. A maximum of 6 points will be awarded.

(i) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of manufactured biobased product for the period not less than the loan term, 6 points will be awarded.

(ii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product for the period not less than 5 years but less than the term of the loan, 4 points will be awarded.

(iii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product for the period not less than 1 year but less than 5 years, 2 points will be awarded.

(3) Financial strength of the contracted sales agreement counterparty. A maximum of 4 points will be awarded.

(i) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased

product with a counterparty with a corporate credit rating not less than AA, Aa2, or equivalent, 4 points will be awarded.

(ii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product with a counterparty with a corporate credit rating less than AA, Aa2, or equivalent, but not less than A−, or A3, or equivalent, 2 points will be awarded.

(iii) If the borrower commits to enter into contracted sales agreements prior to loan closing for purchase for greater than or equal to 50 percent of the dollar value of the manufactured biobased product with a counterparty with a corporate credit rating less than A-, or A3, or equivalent, but not less than BBB-, or Baa3, or equivalent, 1 point will be awarded.

(b) Whether the area in which the borrower proposes to place the project, defined as the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project, has any other similar facilities. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project does not have any other similar facilities, 5 points will be awarded.

(2) If there are other similar facilities located within the area that will supply the renewable chemicals and other biobased outputs of biorefineries to the proposed project, 0 points will be awarded.

(c) Whether the borrower is proposing to use renewable chemicals and other biobased outputs of biorefineries not previously used in the biobased product manufacturing. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the borrower proposes to use renewable chemicals and other biobased outputs of biorefineries previously used in the manufacture of a biobased product in a commercial facility, 0 points will be awarded.

(2) If the borrower proposes to use renewable chemicals and other biobased outputs of biorefineries not previously used in the manufacture of a biobased product in a commercial facility, 10 points will be awarded.

(d) Whether the borrower is proposing to work with producer associations or cooperatives. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If at least 50 percent of the dollar value of renewable chemicals and other biobased outputs of biorefineries to be used by the proposed project will be supplied by producer associations and cooperatives or biorefineries supplied by producer associations and cooperatives, 5 points will be awarded.

(2) If at least 30 percent of the dollar value of renewable chemicals and other biobased outputs of biorefineries to be used by the proposed project will be supplied by producer associations and cooperatives or biorefineries supplied by producer associations and cooperatives, 3 points will be awarded.

(e) The level of financial participation by the borrower, including support from non-Federal Government sources and private sources. A maximum of 20 points can be awarded. Points to be awarded will be determined as follows:

(1) If the sum of the loan amount requested and other direct Federal funding is less than or equal to 50 percent of total eligible project costs, 20 points will be awarded.

(2) If the sum of the loan amount requested and other direct Federal funding is greater than 50 percent but less than or equal to 55 percent of total eligible project costs, 16 points will be awarded.

(3) If the sum of the loan amount requested and other direct Federal funding is greater than 55 percent but less than or equal to 60 percent of total eligible project costs, 12 points will be awarded.

(4) If the sum of the loan amount and other direct Federal funding is greater than 60 percent but less than or equal to 65 percent of total eligible project costs, 8 points will be awarded.

(5) If the sum of the loan amount and other direct Federal funding is greater than 65 percent but less than or equal to 70 percent of total eligible project costs, 4 points will be awarded.

(f) Whether the borrower has established that the adoption of the manufacturing process proposed in the application will have a positive effect on three impact areas: resource conservation (*e.g.,* water, soil, forest), public health (*e.g.,* potable water, air quality), and the environment (*e.g.,* compliance with an applicable renewable fuel standard, greenhouse gases, emissions, particulate matter). A maximum of 10 points can be awarded. Based on what the borrower has provided in either the application or the feasibility study, points to be awarded will be determined as follows:

(1) If process adoption will have a positive impact on any one of the three impact areas (resource conservation, public health, or the environment), 3 points will be awarded.

(2) If process adoption will have a positive impact on two of the three impact areas, 6 points will be awarded.

(3) If process adoption will have a positive impact on all three impact areas, 10 points will be awarded.

(g) Whether the borrower can establish that, if adopted, the technology proposed in the application will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use renewable chemicals and other biobased outputs of biorefineries. A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If the borrower has failed to establish, through an independent third-party feasibility study, that the production technology proposed in the application, if adopted, will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use similar renewable chemicals and other biobased outputs of biorefineries, 0 points will be awarded.

(2) If the borrower has established, through an independent third-party feasibility study, that the production technology proposed in the application, if adopted, will not have any economically significant negative impacts on existing manufacturing plants or other facilities that use renewable chemicals and other biobased outputs of biorefineries, 5 points will be awarded.

(h) The potential for rural economic development. A maximum of 10 points can be awarded. Points to be awarded will be determined as follows:

(1) If the project is located in a rural area, 5 points will be awarded.

(2) If the project creates jobs through direct employment with an average wage that exceeds the county median household wages where the project will be located, 5 points will be awarded.

(i) The level of local ownership of the facility proposed in the application. For the purposes of this Notice, a local owner is defined as ''An individual who owns any portion of an eligible advanced biofuel biorefinery and whose primary residence is located within 100 miles of the biorefinery.'' A maximum of 5 points can be awarded. Points to be awarded will be determined as follows:

(1) If local owners have an ownership interest in the facility of more than 20 percent but less than or equal to 50 percent, 3 points will be awarded.

(2) If local owners have an ownership interest in the facility of more than 50 percent, 5 points will be awarded.

(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.*

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,* 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.* 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]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket Number 17–BIS–0005]

Denial of Export Privileges

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

Middle Bazzar, 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'').[1]

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 Bazzar, Rampur Bushahr Distt. Shimla (H.P.) 172 001, India, and Narender Sharma, with a last known address of Middle Bazzar, 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

[1] 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.

[FR Doc. 2018–16678 Filed 8–2–18; 8:45 am]

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

activity considered in the MMPA analysis. On February 22, 2017, we published a notice of a revision of the IHA (82 FR 11344), revising the effective authorization dates from March 13, 2017, through March 12, 2018.

On December 5, 2017, the Navy informed NMFS that construction had not yet begun on one of two construction phases authorized under the revised IHA. The Navy attributed delays in progress and inaccuracies in original construction planning due to a combination of: (1) Rain delays, hurricane preparation, and Hurricane Irma, (2) inefficiencies by the contractor, and (3) activities influenced by tides, originally unaccounted for in the schedule.

On January 9, 2018, the Navy formally requested that NMFS issue an IHA for one year from May 14, 2018, to May 13, 2019 in order to complete a subset of the construction activity previously covered by the 2017 IHA. We issued a notice of proposed IHA on April 4, 2018 (83 FR 1443) primarily referring back to our previous documents and analysis but fully describing updates to acoustic analysis, take numbers (due to decreased amount of work), and stock abundances.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to the Navy for the Bravo Wharf Recapitalization Project was published in the **Federal Register** on April 4, 2018 (83 FR 14443). During the 30-day public comment period, we received one letter, dated April 30, 2018, from the Marine Mammal Commission (Commission). The Commission concurs with NMFS's preliminary findings and recommends that NMFS issue the incidental harassment authorization, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Description of the Proposed Activity and Anticipated Impacts

The 2017 IHA covered the installation of 880 single sheet piles installed with a vibratory hammer over 110 days and 20 days of contingency impact driving, for a total of up to 130 construction days. The 2017 IHA authorized the Level B harassment of 370 bottlenose dolphins (330 takes from vibratory pile driving, 40 from impact pile driving), which could occur to any of the four stocks in the area. The Navy did not complete that work, and requested that a second IHA cover the installation of the remaining 356 steel sheet piles over the course of 43 pile-driving days, plus 10 contingency impact driving days, for a total of 53 days. Other documents that fully describe the project include the **Federal Register** notice of the issuance of the 2017 IHA for the Navy's Bravo Wharf (82 FR 11344, February 22, 2017), the Navy's application, the **Federal Register** notice of the proposed IHA (81 FR 52637; December 1, 2016), and all associated references and documents.

Detailed Description of the Action—A detailed description of the proposed vibratory and impact pile driving activities at Bravo Wharf is found in the aforementioned documents. The location, timing (*e.g.,* lack of seasonality), and nature of the pile driving operations, including the type and size of piles and the methods of pile driving, are identical to those described in the previous notices, except that only a subset of the number of piles are proposed to be driven under the recently issued IHA (356 piles over 53 days, versus 880 over 130 days).

Description of Marine Mammals—A description of the marine mammals in the area of the activities is also found in the aforementioned documents, which remains applicable to this IHA except for new information in the 2016 stock assessment reports where abundance for the Northern Florida coastal stock was reduced from 1,219 to 877 individuals and southern migratory coastal stock was decreased from 9,137 to 3,751 individuals.

Potential Effects on Marine Mammals—A description of the potential effects of the specified activities on marine mammals and their habitat is found in these previous documents, which remains applicable to this IHA. There is no new information on potential effects.

Estimated Take—A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in these previous documents. The methods of estimating take are identical to those used in the previous IHA, as is the density of marine mammals. One input into the take estimate, the source levels, was changed to reflect newer information. The original IHA reflected a vibratory pile driving source level of 151 decibels (dB) root mean square (rms), but more recent measurements (measurements of vibratory driving of steel sheet piles during the first year of construction at nearby Wharf C–2 at Naval Station Mayport (DoN 2015) support a higher source level (156 dB rms). The impact pile driving source level was also corrected from 189 dB rms to 190 rms (CalTrans, 2015). The Navy modified their take estimates to reflect these newer values, which NMFS used for issuance of another IHA at Bravo Wharf (83 FR 9287; March 5, 2018). Using the same take estimate methodology described in the 2017 IHA and the updated source levels (which extends the vibratory pile driving Level B harassment isopleth from 1,166 meters (m) to 2,512 m, and the impact pile driving Level B harassment isopleth from 858 m to 1000 m), we are authorizing 242 Level B harassment takes of bottlenose dolphins during vibratory driving and 22 during impact driving, for a total of 264 requested Level B bottlenose dolphin takes. There are four stocks of bottlenose dolphins to which takes could accrue: Jacksonville Estuarine System; Western North Atlantic, northern Florida coastal; Western North Atlantic, offshore; and Western North Atlantic, southern migratory coastal. No Level A take is authorized.

Description of Proposed Mitigation, Monitoring and Reporting Measures—A description of proposed mitigation, monitoring, and reporting measures is found in the previous documents, which are identical in this proposed IHA and provided in our April 4, 2018 notice of proposed IHA. In summary, mitigation includes soft start techniques, as well as a 15-m shutdown zone for vibratory pile driving and 40-m shutdown for impact pile driving. Two trained observers will monitor to implement shutdowns and collect information.

On January 9, 2018, the Navy submitted a monitoring report for construction that had been completed under the 2017 IHA. The Navy complied with all mitigation, monitoring, and reporting protocols. Recorded takes were below the number authorized for the corresponding amount of work. The monitoring report can be viewed on NMFS's website at *https://www.fisheries.noaa.gov/node/23111.*

Determinations

The Navy proposes to conduct a subset of activities identical to those covered in the previous 2017 IHA. As described above, the number of estimated takes of the same stocks of bottlenose dolphins (Jacksonville Estuarine System; northern Florida coastal; Western North Atlantic, offshore; and southern migratory coastal) is significantly lower than the 330 Level B harassment takes from vibratory pile driving and 40 Level B harassment takes from impact pile driving that were found to meet the negligible impact and small numbers standards and authorized under the 2017 IHA. The IHA includes identical required mitigation, monitoring, and reporting measures as the 2017 IHA

(with the exception of harassment distances, as described above), and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

As a result of these determinations, NMFS has issued an IHA to the Navy for the harassment of small numbers of bottlenose dolphins incidental to construction activities related to the Bravo Wharf Recapitalization Project, Naval Base Mayport, Florida, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 30, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–16599 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Southeast Region Aquaculture Program

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

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jessica Beck-Stimpert, NMFS Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701, phone: 727–824–5305, or email: *jess.beck@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension and revision of a currently approved information collection under the Office of Management and Budget's (OMB) Control Number 0648–0703, Southeast Region Aquaculture Program. NMFS manages aquaculture operations in Federal waters of the Gulf of Mexico (Gulf) under the Fishery Management Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico (Aquaculture FMP). The final rule for the Aquaculture FMP published in the **Federal Register** on January 13, 2016 (81 FR 1762; RIN 0648–AS65).

This collection of information tracks the administrative functions associated with the aquaculture program (*e.g.,* registration and account setup, landing transactions, and most reporting requirements).

The NMFS Southeast Regional Office also proposes to revise parts of the information collection approved under OMB Control Number 0648–0703 to account for updates to burden time and cost estimates, inclusion of new forms to fulfill rule requirements and administrative updates to online and paper forms. NMFS intends the revisions would make instructions and data collection requirements clearer and easier to understand, resulting in more accurate and efficient information available for use by fishery managers.

II. Method of Collection

Information for the Southeast Region Aquaculture Program is collected online via the aquaculture website (*http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/aquaculture/*); therefore, a participant must have access to a computer and internet access, and must set up an appropriate online aquaculture account to participate. Assistance with online functions will be available from customer service Monday through Friday between 8 a.m. and 4:30 p.m., eastern time. If some online reporting functions are not available at the time of initial implementation of the aquaculture program, participants may comply by submitting the required information via email to the NMFS Southeast Region using the appropriate forms that are available on the website. Once online functions are available to the public, participants must comply by using the online system unless alternative methods are specified.

Operators of aquaculture facilities would be required to submit all information requirements to NMFS, with the exception of the bill of lading information, which will accompany each shipment of cultured product. Currently, all submissions would be via the online website, unless otherwise noted. Additionally, dealers who purchase aquaculture product from facilities would be required to submit information on those purchases.

III. Data

OMB Control Number: 0648–0703.

Form Number(s): None.

Type of Review: Regular submission (extension and revision of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 40 (20 operators, 20 dealers).

Estimated Time per Response:

- Federal Permit Application for Offshore Aquaculture in the Gulf of Mexico, 3 hours.
- Notification to Delay Permit Issuance, Annual Report for Gulf Aquaculture Permittees, Certification for Broodstock and Juveniles, Marine Mammal Authorization Form,

Notification to Transport Cultured Juveniles to Offshore Systems, 10 minutes.

- Baseline Environmental Survey, 320 hours.
- Request to Harvest Broodstock, Broodstock Post-Harvest Report, Notification Entanglement or Interaction, Notification of Major Escapement Event, Notification of Reportable Pathogen Episode, Harvest and Landing Notification, 30 minutes.
- Bill of Lading, 5 minutes.
- Emergency Disaster Plan, 4 hours.
- Fin Clip Samples, 10 hours.
- Request to Transfer Gulf Aquaculture Permit, 3 hours.
- Assurance bond, Contract with an Aquatic Animal Health Expert, 16 hours.
- Broodstock Marking, Pinger/Location Devise, Marking Restricted Access Zone, Genetic Testing, 8 hours.
- Dealer Permit Application, Dealer Report for Landing and Sale, 30 minutes.

Estimated Total Annual Burden Hours: 2,753.

Estimated Total Annual Cost to Public: $87,660 in recordkeeping or reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 31, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–16657 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG362

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will convene a meeting via webinar to discuss items on the Pacific Council's September 2018 meeting. The meeting is open to the public.

DATES: The webinar meeting will be held Thursday, August 23, 2018, from 8:30 a.m. to 11:30 a.m. Pacific Daylight Time or until business is completed.

ADDRESSES: This meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar: (1) Join the GoToWebinar by visiting this link *https://www.gotomeeting.com/webinar* (Click ''Join a Webinar'' in top right corner of page), (2) Enter the Webinar ID: 615–614–003, and (3) enter your name and email address (required). After logging into the webinar, you must use your telephone for the audio portion of the meeting. Dial this TOLL number 1–562–247–8321, enter the Attendee phone audio access code 156–942–931, and enter your audio phone pin (shown after joining the webinar). System Requirements: for PC-based attendees: Required: Windows® 7, Vista, or XP; for Mac®-based attendees: Required: Mac OS® X 10.5 or newer; for Mobile attendees: Required: iPhone®, iPad®, Android™ phone or Android tablet (see *http://www.gotomeeting.com/fec/webinar/gotowebinar_apps*). You may send an email to Mr. Kris Kleinschmidt or contact him at (503) 820–2280, extension 411 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Phillips, Staff Officer; telephone: (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to discuss ecosystem, groundfish, and administrative agenda items on the September 2018 Pacific Council meeting agenda, to perform workload planning, and discuss future meeting plans.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the GMT's intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 business days prior to the meeting date.

Dated: July 31, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–16681 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG382

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a webinar meeting of its Ad Hoc Trawl Groundfish Electronic Monitoring Policy Advisory Committee (GEMPAC) which is open to the public.

DATES: The webinar will be held August 17, 2018, from 9 a.m. to 1 p.m. (Pacific Standard Time), or until business has been completed.

ADDRESSES: The meeting will be held via webinar. A public listening station is available at the Pacific Council office (address below). To attend the webinar from your computer, tablet or smartphone, use this link: *https://global.gotomeeting.com/join/837382429* and follow the prompts. (1) You must

use your telephone for the audio portion of the meeting by dialing this TOLL number: 1–571–317–3122. (2) Enter the Attendee phone audio access code 837–382–429. (3) Enter your audio phone pin (shown after joining the webinar). *Note:* We have disabled Mic/Speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Brett Wiedoff, Pacific Council; telephone: (503) 820–2424.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for the GEMPAC to develop comments and recommendations regarding electronic monitoring topics scheduled for the Pacific Council's September meeting in Seattle, Washington. Specifically, the Committee will review and comment on the draft *National Marine Fisheries Service Procedural Directive on Cost Allocations in Electronic Monitoring Programs for Federally Managed U.S. Fisheries* and develop a prioritized a list of electronic monitoring policy issues for the Pacific Council to consider in the future.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2411) at least 10 days prior to the meeting date.

Dated: July 31, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–16658 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application and Reports for Scientific Research and Enhancement Permits under the Endangered Species Act.

OMB Control Number: 0648–0402.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 115.

Average Hours per Response: Permit applications, 12 hours; permit modification requests 6 hours; annual or final reports, 2 hours.

Burden Hours: 840.

Needs and Uses: This request is for extension of a currently approved information collection.

The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) imposed prohibitions against the taking of endangered species. Section 10 of the ESA allows permits authorizing the taking of endangered species for research/enhancement purposes. The corresponding regulations established procedures for persons to apply for such permits. In addition, the regulations set forth specific reporting requirements for such permit holders. The regulations contain two sets of information collections: (1) Applications for research/enhancement permits, and (2) reporting requirements for permits issued.

The required information is used to evaluate the impacts of the proposed activity on endangered species, to make the determinations required by the ESA prior to issuing a permit, and to establish appropriate permit conditions. To issue permits under ESA Section 10(a)(1)(A), the National Marine Fisheries Service (NMFS) must determine that (1) such exceptions were applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in Section 2 of the ESA.

The currently approved application and reporting requirements apply to Pacific marine and anadromous fish species, as requirements regarding other species are being addressed in a separate information collection.

Affected Public:

Frequency: Annually.

Respondent's Obligation: Required to obtain or retain a benefit.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: July 31, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–16644 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG390

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of telephonic meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Ecosystem Committee will hold a teleconference on August 20, 2018.

DATES: The meeting will be held on Monday, August 20, 2018, from 11 a.m. to 1 p.m., Alaska Standard Time.

ADDRESSES: The meeting will be held telephonically. Teleconference line: (907) 271–2896.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave. Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Steve MacLean, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, August 20, 2018

The meeting agenda includes: Review and discussion of a public involvement section for the Bering Sea Fishery Ecosystem Plan, as well as provide comments on the NOAA's EBFM Roadmap.

The Agenda is subject to change, and the latest version will be posted at: *https://www.npfmc.org/committees/ecosystem-committee.*

Public Comment

Public comment letters will be accepted and should be submitted either electronically to Steve MacLean, Council staff: *steve.maclean@noaa.gov* or through the mail: North Pacific Fishery Management Council, 605 W. 4th Ave. Suite 306, Anchorage, AK 99501–2252. Oral public testimony will be accepted at the discretion of the co-chairs.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: July 31, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–16660 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of Kachemak Bay National Estuarine Research Reserve; Public Meeting

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Kachemak Bay National Estuarine Research Reserve.

DATES: *Kachemak Bay National Estuarine Research Reserve Evaluation:* The public meeting will be held on Wednesday, September 19, 2018, and written comments must be received on or before Friday, September 28, 2018.

For the specific date, time, and location of the public meetings, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit comments on the reserve by any of the following methods: *Public Meeting and Oral Comments:* A public meeting will be held in Homer, Alaska for the Kachemak Bay Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION**.

Written Comments: Please direct written comments to Jean Tanimoto, Program Evaluator, NOAA Inouye Regional Center, NOS/Office for Coastal Management, 1845 Wasp Blvd., Building 176, Honolulu, Hawaii 96818, or via email to *Jean.Tanimoto@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Jean Tanimoto, Program Evaluator, NOAA Inouye Regional Center, NOS/Office for Coastal Management, 1845 Wasp Blvd., Bldg 176, Honolulu, Hawaii 96818, by phone at (808) 725–5253, or via email to *Jean.Tanimoto@noaa.gov.* Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent performance report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally-approved National Estuarine Research Reserves. The process includes a public meeting, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

You may participate and submit oral comments at the public meeting. The public meeting will be held in conjunction with the reserve's regularly scheduled commission meeting and is scheduled as follows:

Date: Wednesday, September 19, 2018.

Time: 12:00–3:00 p.m., local time.

Location: Islands and Ocean Visitor Center, 95 Sterling Highway, Homer, Alaska 99603.

Written comments must be received on or before September 28, 2018.

Federal Domestic Assistance Catalog 11.419.

Coastal Zone Management Program Administration.

Dated: July 24, 2018.

John King,

Chief, Business Operations Division, Office for Coastal Management.

[FR Doc. 2018–16675 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Pacific Islands Logbook Family of Forms.

OMB Control Number: 0648–0214.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 527.

Average Hours Per Response: Logbooks and sales reports, 5–35 minutes based on fishery, entry/exit and landing notices, Protected Species Zone entry/exit notices, 5 minutes; landing/offloading notices, 3 minutes.

Burden Hours: 13,731.

Needs and Uses: This request is for extension of a currently approved information collection.

Fishermen in Federally-managed fisheries in the Pacific Islands Region are required to provide certain information about their fishing activities, catch, and interactions with protected species by submitting reports to National Marine Fisheries Service, per 50 CFR part 665. These data are needed to determine the condition of the stocks and whether the current management measures are having the

intended effects, to evaluate the benefits and costs of changes in management measures, and to monitor and respond to accidental takes of endangered and threatened species, including seabirds, sea turtles, and marine mammals.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: July 31, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–16645 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Surfclam/Ocean Quahog Individual Transferable Quota Administration

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 2, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *pracomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Douglas Potts, 978–281–9341 or *Douglas.Potts@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved collection associated with the Atlantic surfclam and ocean quahog fisheries. National Marine Fisheries Service (NMFS) Greater Atlantic Region manages these fisheries in the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations implementing the FMP are specified at 50 CFR part 648.

The recordkeeping and reporting requirements at §§ 648.74, 648.75, and 648.76 form the basis for this collection of information. We request information from surfclam and ocean quahog individual transferable quota (ITQ) permit holders to issue ITQ permits and to process and track requests from permit holders to transfer quota share or cage tags. We also request information from surfclam and ocean quahog ITQ permit holders to track and properly account for surfclam and ocean quahog harvest shucked at sea. Because there is not a standard conversion factor for estimating unshucked product from shucked product, NMFS requires vessels that shuck product at sea to carry on board the vessel a NMFS-approved observer to certify the amount of these clams harvested. This information, upon receipt, results in an efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

Georges Bank has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). We reopened a portion of the Georges Bank Closed Area starting in 2012 under certain conditions. We request information from surfclam and ocean quahog ITQ permit holders who fish in the reopened area to ensure compliance with the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish. The U.S. Food and Drug Administration, the commercial fishing industry, and NMFS developed the PSP protocol to test and verify that clams harvested from Georges Bank continue to be safe for human consumption. The National Shellfish Sanitation Program adopted the PSP protocol at the October 2011 Interstate Shellfish Sanitation Conference.

II. Method of Collection

Forms are online at *https://www.greateratlantic.fisheries.noaa.gov/aps/forms.html* as ''fillable'' pdf documents, which can then be downloaded, printed, and faxed or mailed to NMFS. ITQ transfer forms may also be submitted electronically. Information for the PSP protocol is submitted through paper forms, as well as through electronic methods, including email, telephone, and shipboard electronic equipment such as VHF radio, email, or a vessel monitoring system.

III. Data

OMB Control Number: 0648–0240.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 189.

Estimated Time Per Response: ITQ permit application form, review of a pre-filled form for renewing entities, ITQ transfer form, 5 minutes each; 1 hour to complete the ITQ ownership form for new applicants and 30 minutes for the application to shuck surfclams and ocean quahogs at sea. The requirements under the PSP protocol are based on the number of vessels that land surfclams or ocean quahogs and the number of trips taken into the area, with a total estimated annual burden of 2,400 hours.

Estimated Total Annual Burden Hours: 2,538.

Estimated Total Annual Cost to Public: $111,764 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of

this information collection; they also will become a matter of public record.

Dated: July 31, 2018.

Sarah Brabson,

PRA Clearance Officer.

[FR Doc. 2018–16643 Filed 8–2–18; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete services from the Procurement List that was previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: September 2, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following services are proposed for deletion from the Procurement List:

Services

Service Type: Janitorial/Custodial Service.
Mandatory for: Veterans Affairs Medical Center: Outpatient Clinic Pensacola, FL.
Mandatory Source(s) of Supply: Lakeview Center, Inc., Pensacola, FL.
Contracting Activity: DEPARTMENT OF VETERANS AFFAIRS, NAC.

Service Type: Janitorial Service.
Mandatory for: Customs and Border Protection, B.P. Maintenance 398 E. Aurora Drive, El Centro, CA.
Mandatory Source(s) of Supply: ARC-Imperial Valley, El Centro, CA.
Contracting Activity: U.S. Customs and Border Protection, Border Enforcement Contracting Division.

Service Type: Food Service.
Mandatory for: Michigan Army National Guard: Maneuver Training Center, Building 426MA, Camp Grayling, MI.
Mandatory Source(s) of Supply: G.W. Services of Northern Michigan, Inc., Traverse City, MI.
Contracting Activity: Dept of the Army, W7NF USPFO ACTIVITY MI ARNG.

Service Type: Janitorial/Custodial Service.
Mandatory for: Naval Reserve Center: 85 Sea Street, Quincy, MA.
Mandatory Source(s) of Supply: Community Workshops, Inc., Boston, MA.
Contracting Activity: Dept of the Navy, Navy Crane Center.

Service Type: Administrative Service.
Mandatory for: Fleet and Industrial Supply Center, 937 North Harbor Drive, San Diego, CA.
Mandatory Source of Supply: Unknown.
Contracting Activity: Dept of the Navy, US Fleet Forces Command.

Service Type: Janitorial Service.
Mandatory for: U.S. Army Reserve Center: 2201 Laurens Road, Center #1, Greenville, SC.
Mandatory Source(s) of Supply: SC Vocations & Individual Advancement, Inc., Greenville, SC.
Contracting Activity: Dept of the Army, W074 ENDIST CHARLESTON.

Service Type: Grounds Maintenance Service.
Mandatory for: US Army Corps of Engineers, Gallagher Memorial USARC, 1300 West Brown Road, Las Cruces, NM.
Mandatory Source of Supply: Let's Go To Work, El Paso, TX.
Contracting Activity: Dept of the Army, W075 ENDIST SACRAMENTO.

Service Type: Janitorial/Custodial Service.
Mandatory for: US Army Reserve, Charles W. Whittlesey USARC.
200 Barker Road, Pittsfield, MA.
Mandatory Source(s) of Supply: Berkshire County Association for Retarded Citizens, Inc., Pittsfield, MA.
Contracting Activity: Dept of the Army, W6QK ACC–PICA.

Service Type: Janitorial/Custodial Service.
Mandatory for: Port Hueneme Naval Construction Battalion Center: Navy Family Housing Units, Port Hueneme, CA.
Mandatory Source(s) of Supply: Unknown.
Contracting Activity: Dept of the Navy, US Fleet Forces Command.

Service Type: Custodial Service.
Mandatory for: Pentagon Building: Washington, DC, Federal Building #2, Food Court.
Common area stairs and (plus): Corridors, 1st Floor, 2nd Floor, 3rd Floor.
Au Bon Pain, B.C Café, Common area restrooms, Corridor 1 Food Court, Corridor 10 Food Court, Corridor 9/10 Apex, Five Star Expresso Coffee Bar, Five Star Expresso Coffee Bar, Federal Bldg #2, Grease and Garbage Room, Loading dock, 1st Floor, Wedge 1, Pentagon Dining Room and Kitchen, Production Kitchen, Wedge 1 Food Court.
Mandatory Source(s) of Supply: The Chimes, Inc., Baltimore, MD.
Contracting Activity: Dept of the Navy, US Fleet Forces Command.

Service Type: Recycling Service.
Mandatory for: Crane Division, Naval Surface Warfare Center: 300 HWY 361, Crane, IN.
Mandatory Source(s) of Supply: Orange County Rehabilitative and Developmental Services, Inc., Paoli, IN.
Contracting Activity: Dept of the Navy, NSWC Crane.

Service Type: Janitorial/Grounds Maintenance Service.
Mandatory for: Federal Aviation Administration Air Traffic: JFK International Airport, Control Towers, Jamaica, NY.
Mandatory Source of Supply: Fedcap Rehabilitation Services, Inc., New York, NY.
Contracting Activity: Federal Aviation Administration, FAA.

Michael R. Jurkowski,

Business Management Specialist, Business Operations.

[FR Doc. 2018–16642 Filed 8–2–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and Deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and a service from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* September 2, 2018.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 3/9/2018 (83 FR 47) and 6/8/2018 (83 FR 111), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide

the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type: Vehicle Maintenance Facility Operation Service.
Mandatory for: Department of State, DS, Foreign Affairs Security Training Center, Fort Pickett, 1125 West Parade, Blackstone, VA.
Mandatory Source(s) of Supply: Skookum Educational Programs, Bremerton, WA.
Contracting Activity: Department of State, Acquisitions—AQM MOMENTUM

Service Type: Janitorial Service.
Mandatory for: US Air Force, Joint Warfare Analysis Center, Naval Support Activity-South Potomac, 4048 Higley Road, Dahlgren, VA.
Mandatory Source(s) of Supply: Melwood Horticultural Training Center, Inc., Upper Marlboro, MD.
Contracting Activity: Dept of the Air Force, FA4890 ACC AMIC.

Deletions

On 6/29/2018 (83 FR 126), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and service listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and service deleted from the Procurement List.

End of Certification

Accordingly, the following products and service are deleted from the Procurement List:

Products

NSN(s)—Product Name(s):
7510–01–590–1496—Laser Toner Cartridge, HP 39A compatible
7510–01–590–1497—Laser Toner Cartridge, HP 96A compatible
7510–01–590–1498—Laser Toner Cartridge, HP 49A compatible
7510–01–590–1499—Laser Toner Cartridge, HP 49X compatible
7510–01–590–1501—Laser Toner Cartridge, HP 13A & 13X compatible
7510–01–590–1502—Laser Toner Cartridge, 43X compatible
7510–01–590–1506—Laser Toner Cartridge, HP 10A compatible
7510–01–600–5979—Cartridge, Toner, Monochrome Laser Printer, Double Yield, HP 38A Compatible, Black
Mandatory Sources(s) of Supply: Alabama Industries for the Blind, Talladega, AL. Lighthouse Works, Orlando, FL.
7510–01–625–1729—Toner Cartridge, Laser, Extra High Yield, Lexmark SC 630 Series
7510–01–625–1736—Toner Cartridge, Laser, Extra High Yield, HP P3015 Series Compatible,
7510–01–625–4080—Toner cartridge, Laser, Extra High Yield, HP Compatible for the M600,
7510–01–625–0849—Toner Cartridge, Laser, Double Yield, Compatible w/ Lexmark E230 & other LM, Dell, & IBM printers
Mandatory Source(s) of Supply: Alabama Industries for the Blind, Talladega, AL.
Contracting Activity: General Services Administration, New York, NY.

NSN(s)—Product Name(s):
5510–00–171–7700—Stakes, Wood, 1″ x 2″ x 16″
5510–00–171–7701—Stakes, Wood, 1″ x 2″ x 14″
5510–00–171–7732—Stakes, Wood, 2″ x 2″ x 16″
5510–00–171–7733—Stakes, Wood, 2″ x 2″ x 12″
5510–00–171–7734—Stakes, Wood, 1″ x 2″ x 18″
8460–01–193–9769—Briefcase, Smoke Gray
8460–01–352–3064—Briefcase, Navy Blue
8460–01–364–9493—Attache Case, Black, 16 x 12 x 4
8460–01–385–7294—Briefcase, Black, 17–1/4″ x 11–1/2″ x 3–1/2
8460–01–391–5837—Briefcase, Forest Service Logo, Green,
8465–01–169–3996—Field Pack, Firefighters
Mandatory Source(s) of Supply: Helena Industries, Inc., Helena, MT.
Contracting Activity: General Services Administration, Fort Worth, TX.

NSN(s)—Product Name(s): 8340–00–951–6423—Kit, Ground Anchor.
Mandatory Source(s) of Supply: CW Resources, Inc., New Britain, CT.
Contracting Activity: Defense Logistics Agency Troop Support.

Service

Service Type: Food Service Attendant Service
Mandatory for: Pope Air Force Base. Pope Air Force Base, NC.
Mandatory Source of Supply: ServiceSource, Inc., Oakton, VA.
Contracting Activity: Dept of the Air Force, FA4488 43 CONS LGC.

Michael R. Jurkowski,
Business Management Specialist, Business Operations.

[FR Doc. 2018–16647 Filed 8–2–18; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Defense Health Board, Department of Defense.

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Health Board (DHB) will take place.

DATES: Open to the public Monday, August 27, 2018 from 9:00 a.m. to 5:00 p.m.

ADDRESSES: The address of the open meeting is Naval Medical Center San Diego, 34800 Bob Wilson Dr., Building 6, Deck 1, VTC Room, San Diego, CA 92134 (Pre-meeting screening for installation access and registration required. See guidance in **SUPPLEMENTARY INFORMATION**, ''Meeting Accessibility.'').

FOR FURTHER INFORMATION CONTACT: CAPT Juliann Althoff, Medical Corps, U.S. Navy, (703) 275–6060 (Voice), (703) 275–6064 (Facsimile), *juliann.m.althoff.mil@mail.mil* (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042. Website: *http://www.health.mil/dhb.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Availability of Materials for the Meeting: Additional information, including the agenda, is available at the DHB website, *http://www.health.mil/dhb.* A copy of the agenda or any updates to the agenda for the August 27, 2018 meeting will be available on the DHB website. Any other materials presented in the meeting may be obtained at the meeting.

Purpose of the Meeting: The DHB provides independent advice and recommendations to maximize the safety and quality of, as well as access to, health care for DoD health care beneficiaries. The purpose of the meeting is to provide progress updates on specific taskings before the DHB. In addition, the DHB will receive information briefings on current issues related to military medicine.

Agenda: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the meeting is open to the public from 9:00 a.m. to 5:00 p.m. on August 27, 2018. The DHB anticipates receiving a progress update from the Trauma and Injury Subcommittee on the ''Low-Volume High-Risk Surgical Procedures'' review, an introduction to a new DHB review on ''Health Military Family Systems: Examining Child Abuse and Neglect,'' as well as information briefings from Navy Medicine West, the Naval Medical Center San Diego, the USNS *Mercy*, and the Navy Health Research Center to include the Millennium Cohort Study. Any changes to the agenda can be found at the link provided in this **SUPPLEMENTARY INFORMATION** section.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must register by emailing their name, rank/title, and organization/company to *dha.ncr.dhb.mbx.defense-health-board@mail.mil* or by contacting Ms. Brigid McCarthy at (703) 275–6010 no later than 12:00 p.m. on Monday, August 20, 2018. Additional details will be required from all members of the public not having installation access.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Brigid McCarthy at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements: Any member of the public wishing to provide comments to the DHB may do so in accordance with section 10(a)(3) of the Federal Advisory Committee Act, 41 CFR 102–3.105(j) and 102–3.140, and the procedures described in this notice. Written statements may be submitted to the DHB Designated Federal Officer (DFO), CAPT Juliann Althoff, at *juliann.m.althoff.mil@mail.mil* and should be no longer than two type-written pages and include the issue, a short discussion, and a recommended course of action. Supporting documentation may also be included, to establish the appropriate historical context and to provide any necessary background information. If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting. The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The DFO, in consultation with the DHB President, may allot time for members of the public to present their issues for review and discussion by the DHB.

Dated: July 31, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–16672 Filed 8–2–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Research and Engineering, Defense Science Board, Department of Defense.

ACTION: Notice of federal advisory committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Science Board (DSB) will take place.

DATES: Monday, August 6, 2018 from 8:30 a.m. to 5 p.m.; Tuesday, August 7, 2018 from 8:30 a.m. to 5 p.m.; Wednesday, August 8, 2018 from 8:30 a.m. to 5 p.m.; Thursday, August 9, 2018 from 8:30 a.m. to 5 p.m.; Friday, August 10, 2018 from 9:00 a.m. to 12 p.m.

ADDRESSES: The Arnold and Mabel Beckman Center, 100 Academy Way, Irvine, CA 92617.

FOR FURTHER INFORMATION CONTACT: Defense Science Board Designated Federal Officer (DFO) Lt Col Milo Hyde, U. S. Air Force (Voice), (703) 571–0081 (Facsimile), *milo.w.hyde2.mil@mail.mil* (Email). Mailing address is Defense Science Board, 3140 Defense Pentagon, Room 3B888A, Washington, DC 20301–3140. Website: *http://www.acq.osd.mil/dsb/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Defense Science Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning the meeting from August 7 through August 10, 2018, of the Defense Science Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix), the Government in the Sunshine Act (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The mission of the DSB is to provide independent advice and technical enterprise. The objective of the meeting is to obtain, review, and evaluate classified information related to the DSB's mission. The meeting will focus on the

DSB's 2018 Summer Study on Strategic Surprise tasking, to address potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade.

Agenda: The DSB meeting will begin on Monday, August 6, 2018 at 8:30 a.m. with opening remarks from Lt Col Milo Hyde, DFO, Dr. Craig Fields, DSB Chairman and Dr. Eric Evans, Vice Chairman. Following opening remarks, DSB members will hold a classified discussion to address potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade. After break, DSB members will continue their classified discussion on the same topics. The meeting will adjourn at 5:00 p.m. On the second day of the meeting, Tuesday, August 7, 2018, the day will begin at 8:30 a.m. with classified panel breakouts to address potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade. After break, the classified panel breakouts will continue. The meeting will adjourn at 5:00 p.m. On the third day of the meeting, Wednesday, August 8, 2018, the day will begin at 8:30 a.m. with classified panel breakouts to address potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade. After break, the classified panel breakouts will continue. Following panel breakouts, DSB members will meet as a whole to deliberate and vote upon its advice and recommendations. The meeting will adjourn at 5:00 p.m. On the fourth day of the meeting, Thursday, August 9, 2018, the day will begin at 8:30 a.m. with classified panel breakouts to address potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade. After break, the classified panel breakouts will continue. The meeting will adjourn at 5:00 p.m. On the fifth day of the meeting, Friday, August 10, 2018, the day will begin at 9:00 a.m. with a classified briefing to invited senior DoD leaders to provide the DSB's advice and recommendations on potential technical gaps in Department of Defense capabilities that may affect subsequent decisions and actions of U.S. commanders and warfighters in the next decade. The meeting will adjourn at 12:00 p.m.

Meeting Accessibility: In accordance with section 10(d) of the FACA and title 41 CFR 102–3.155, the DoD has determined that the DSB meeting will be closed to the public. Specifically, the Under Secretary of Defense for Research and Engineering, in consultation with the DoD Office of General Counsel, has determined in writing that the meeting will be closed to the public because it will consider matters covered by title 5 U.S.C. 552b(c)(1). The determination is based on the consideration that it is expected that discussions throughout will involve classified matters of national security concern. Such classified material is so intertwined with the unclassified material that it cannot reasonably be segregated into separate discussions without defeating the effectiveness and meaning of the overall meetings. To permit the meeting to be open to the public would preclude discussion of such matters and would greatly diminish the ultimate utility of the DSB's findings and recommendations to the Secretary of Defense and to the Under Secretary of Defense for Research and Engineering.

Written Statements: In accordance with section 10(a)(3)of the FACA and title 41 CFR 102–3.105(j) and 102–3.140, interested persons may submit a written statement for consideration by the DSB at any time regarding its mission or in response to the stated agenda of a planned meeting. Individuals submitting a written statement must submit their statement to the DSB DFO provided above at any point; however, if a written statement is not received at least three calendar days prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DSB until a later date.

Dated: July 31, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–16676 Filed 8–2–18; 8:45 am]

BILLING CODE 5001–06–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: EG18–110–000.

Applicants: Minco IV & V Interconnection, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Minco IV & V Interconnection, LLC.

Filed Date: 7/26/18.

Accession Number: 20180726–5098.

Comments Due: 5 p.m. ET 8/16/18.

Docket Numbers: EG18–111–000.

Applicants: OCI Lamesa Solar II LLC.

Description: Self-Certification of EG or FC of OCI Lamesa Solar II LLC.

Filed Date: 7/26/18.

Accession Number: 20180726–5101.

Comments Due: 5 p.m. ET 8/16/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–1257–001; ER12–1504–004; ER16–355–002; ER16–141–004; ER12–1946–010; ER15–255–003; ER10–2566–009; ER10–1333–010; ER13–2387–004; ER10–2034–006; ER10–2032–007; ER10–2033–007; ER13–2322–005; ER15–190–007; ER17–543–004; ER17–2–002; ER10–1328–003; ER12–1502–004; ER10–2567–004; ER12–2313–004; ER10–1330–006; ER17–361–002; ER17–360–002; ER17–362–002; ER16–61–003; ER16–63–003; ER17–2336–004; ER10–1331–003; ER16–64–003; ER10–1332–003; ER10–2522–004; ER17–539–001; ER17–540–001.

Applicants: Caprock Solar I LLC, Cimarron Windpower II, LLC, Colonial Eagle Solar, LLC, Conetoe II Solar, LLC, Duke Energy Beckjord, LLC, Duke Energy Beckjord Storage, LLC, Duke Energy Carolinas, LLC, Duke Energy Commercial Enterprises, Inc., Duke Energy Florida, LLC, Duke Energy Indiana, LLC, Duke Energy Kentucky, Inc., Duke Energy Ohio, Inc., Duke Energy Progress, Inc., Duke Energy Renewable Services, LLC, Duke Energy SAM, LLC, Frontier Windpower, LLC, Happy Jack Windpower, LLC, Ironwood Windpower, LLC, Kit Carson Windpower, LLC, Laurel Hill Wind Energy, LLC, North Allegheny Wind, LLC, Pumpjack Solar I, LLC, Rio Bravo Solar I, LLC, Rio Bravo Solar II, LLC, Seville Solar One LLC, Seville Solar Two LLC, Shoreham Solar Commons LLC, Silver Sage Windpower, LLC, Tallbear Seville LLC, Three Buttes Windpower, LLC, Top of the World Wind Energy, LLC, Wildwood Solar I, LLC, Wildwood Solar II, LLC.

Description: Notice of Change in Status of the Duke MBR Sellers.

Filed Date: 7/25/18.

Accession Number: 20180725–5273.

Comments Due: 5 p.m. ET 8/15/18.

Docket Numbers: ER18–1977–001.

Applicants: Brantley Farm Solar, LLC.

Description: Tariff Amendment: Amendment to 1 to be effective 8/18/2018.

Filed Date: 7/26/18.
Accession Number: 20180726–5000.
Comments Due: 5 p.m. ET 8/16/18.

Docket Numbers: ER18–2066–000.
Applicants: Minco Wind IV, LLC.
Description: Baseline eTariff Filing: Minco Wind IV, LLC Application for Market-Based Rates to be effective 9/1/2018.
Filed Date: 7/26/18.
Accession Number: 20180726–5116.
Comments Due: 5 p.m. ET 8/16/18.

Docket Numbers: ER18–2067–000.
Applicants: Minco Wind V, LLC.
Description: Baseline eTariff Filing: Minco Wind V, LLC Application for Market-Based Rates to be effective 10/1/2018.
Filed Date: 7/26/18.
Accession Number: 20180726–5117.
Comments Due: 5 p.m. ET 8/16/18.

Docket Numbers: ER18–2068–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Request for Waiver Effective July 27, 2018 to be effective 12/31/9998.
Filed Date: 7/26/18.
Accession Number: 20180726–5131.
Comments Due: 5 p.m. ET 8/16/18.

Docket Numbers: ER18–2069–000.
Applicants: Alliant Energy Corporate Services, Inc.
Description: § 205(d) Rate Filing: AECS Updated Rate Schedule 2 to be effective 9/30/2018.
Filed Date: 7/26/18.
Accession Number: 20180726–5134.
Comments Due: 5 p.m. ET 8/16/18.

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: July 26, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–16632 Filed 8–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–29–000]

Sunrise Pipeline LLC; Notice of Petition For Declaratory Order

Take notice that on July 24, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2017), Sunrise Pipeline LLC (Sunrise or Petitioner), filed a petition for a declaratory order seeking approval of the overall tariff rate structure and terms and conditions of service, including the proposed prorationing methodology and aspects of the Transportation Services Agreement terms for the Sunrise Pipeline, which will be developed by building new pipeline facilities with origin points in the Permian Basin at Midland, Texas and Colorado City, Texas, and by leasing both newly expanded pipeline capacity, as well as existing, but underutilized pipeline capacity that will be leased from Plains Pipeline, L.P. (Plains), on segments of pipeline that Plains owns that extend from Wichita Falls, Texas to Cushing, Oklahoma. Plains, the parent company of Sunrise, will be the operator of the subject Pipeline, which will be owned by Sunrise, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on August 24, 2018.

Dated: July 26, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–16630 Filed 8–2–18; 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: EC18–78–000.
Applicants: Florida Power & Light Company.
Description: Supplement to July 5, 2018 Response to June 5, 2018 Deficiency Letter of Florida Power & Light Company.
Filed Date: 7/26/18.
Accession Number: 20180726–5208.
Comments Due: 5 p.m. ET 8/16/18.

Take notice that the Commission received the following exempt wholesale generator filings:
Docket Numbers: EG18–115–000.
Applicants: MHG Solar LLC.
Description: Self-Certification of EG or FC of MHG Solar LLC.
Filed Date: 7/30/18.
Accession Number: 20180730–5059.
Comments Due: 5 p.m. ET 8/20/18.

Take notice that the Commission received the following electric rate filings:
Docket Numbers: ER10–3050–003; ER14–2871–012; ER16–182–007; ER17–1785–002; ER16–1130–005; ER16–1131–005; ER16–1132–005; ER17–47–004; ER17–1574–002; ER10–3251–012; ER14–2382–012; ER15–621–011; ER15–622–011; ER15–463–011; ER16–72–007; ER18–2013–001; ER15–110–011; ER17–48–004; ER13–1586–013; ER10–1992–019; ER16–902–003; ER18–47–002; ER16–1129–005; ER10–3232–009; ER10–3053–003.
Applicants: Cabazon Wind Partners, LLC, Cameron Ridge, LLC, Cameron Ridge II, LLC, Coachella Wind, LLC, DifWind Farms Limited I, DifWind Farms Limited II, DifWind Farms

Limited V, DifWind Farms LTD VI, EUI Affiliate LLC, Oak Creek Wind Power, LLC, ON Wind Energy LLC, Pacific Crest Power, LLC, Ridgetop Energy, LLC, San Gorgonio Westwinds II, LLC, San Gorgonio Westwinds II—Windustries, Terra-Gen Dixie Valley, LLC, Terra-Gen Energy Services, LLC, Terra-Gen Mojave Windfarms, LLC, TGP Energy Management, LLC, Victory Garden Phase IV, LLC, Voyager Wind I, LLC, Voyager Wind II, LLC, VPI Enterprises, LLC, Wheelabrator Shasta Energy Company Inc., Whitewater Hill Wind Partners, LLC.

Description: Notice of Non-Material Change in Status of Cabazon Wind Partners, LLC, et al.

Filed Date: 7/27/18.

Accession Number: 20180727–5230.

Comments Due: 5 p.m. ET 8/17/18.

Docket Numbers: ER18–2089–000.

Applicants: GenOn Holdco 10, LLC.

Description: § 205(d) Rate Filing: normal filing to be effective 7/30/2018.

Filed Date: 7/27/18.

Accession Number: 20180727–5175.

Comments Due: 5 p.m. ET 8/17/18.

Docket Numbers: ER18–2090–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to Att. Q re FTR Credit Requirement to be effective 9/3/2018.

Filed Date: 7/27/18.

Accession Number: 20180727–5193.

Comments Due: 5 p.m. ET 8/17/18.

Docket Numbers: ER18–2091–000.

Applicants: Titan Solar, LLC.

Description: Baseline eTariff Filing: Titan Solar, LLC's Application for Market-Based Rates to be effective 10/1/2018.

Filed Date: 7/27/18.

Accession Number: 20180727–5197.

Comments Due: 5 p.m. ET 8/17/18.

Docket Numbers: ER18–2092–000.

Applicants: Dynegy Killen, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Reactive Tariffs and Tariff IDs to be effective 7/30/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5001.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2093–000.

Applicants: Dynegy Stuart, LLC.

Description: Tariff Cancellation: Notice of Cancellation of Reactive Tariffs and Tariff IDs to be effective 7/30/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5002.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2094–000.

Applicants: Dynegy Stuart, LLC.

Description: Tariff Cancellation: Notice of Cancellation of MBR Tariffs and Tariff IDs to be effective 7/31/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5004.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2095–000.

Applicants: Dynegy Killen, LLC.

Description: Tariff Cancellation: Notice of Cancellation of MBR Tariffs and Tariff IDs to be effective 7/31/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5005.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2096–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC–NCMPA No. 1 (SA 212) Amendment to be effective 8/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5071.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2097–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Interim ISA SA No. 5142; Queue No. AD1–087 to be effective 6/29/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5082.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2098–000.

Applicants: Midcontinent Independent System Operator, Inc., Great River Energy.

Description: § 205(d) Rate Filing: 2018–07–30_Filing to amend RS 28 GRE JPZ Revenue Allocation Agreement to be effective 10/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5112.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2099–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4903; Queue No. AC1–012 to be effective 7/13/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5146.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2100–000.

Applicants: Midcontinent Independent System Operator, Inc., MidAmerican Energy Company.

Description: § 205(d) Rate Filing: 2018–07–30_SA 1976 MEC–ITC Midwest 4th Rev TIA to be effective 8/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5147.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2101–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: SWE (PowerSouth Territorial) NITSA 2018 Rollover Filing to be effective 7/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5167.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2102–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance filing to Commission's 5/31/2018 order in EL05–121 Settlement to be effective 1/1/2016.

Filed Date: 7/30/18.

Accession Number: 20180730–5168.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2102–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance filing to Commission's 5/31/2018 order in EL05–121 Settlement Part 2 to be effective 1/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5174.

Comments Due: 5 p.m. ET 8/20/18.

Docket Numbers: ER18–2103–000.

Applicants: Liberty Utilities (Granite State Electric) Corp.

Description: § 205(d) Rate Filing: Borderline Sales Rate Sheet Update 2018 to be effective 8/1/2018.

Filed Date: 7/30/18.

Accession Number: 20180730–5189.

Comments Due: 5 p.m. ET 8/20/18.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH18–10–000.

Applicants: Unison Energy, LLC, AIM Universal Holdings, LLC, Hunt Companies, Inc.

Description: Unison Energy, LLC, et. al. submits FERC 65–A Exemption Notification.

Filed Date: 7/30/18.

Accession Number: 20180730–5136.

Comments Due: 5 p.m. ET 8/20/18.

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: July 30, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–16631 Filed 8–2–18; 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: RP18–956–001.
Applicants: WTG Hugoton, LP.
Description: Tariff Amendment: Annual Fuel Retention Percentage Filing 2018–2019 Amendment 1 to be effective 8/1/2018.
Filed Date: 7/25/18.
Accession Number: 20180725–5043.
Comments Due: 5 p.m. ET 8/6/18.

Docket Numbers: RP18–993–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Shell Negotiated Rate to be effective 9/1/2018.
Filed Date: 7/25/18.
Accession Number: 20180725–5021.
Comments Due: 5 p.m. ET 8/6/18.

Docket Numbers: RP18–994–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing Flow Through of Dominion Penalty Sharing 2018.
Filed Date: 7/25/18.
Accession Number: 20180725–5082.
Comments Due: 5 p.m. ET 8/6/18.

Docket Numbers: RP18–995–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2018 July 26 Amendments to be effective 7/26/2018.
Filed Date: 7/25/18.
Accession Number: 20180725–5108.
Comments Due: 5 p.m. ET 8/6/18.

Docket Numbers: RP18–996–000.
Applicants: Dominion Energy Overthrust Pipeline, LLC.
Description: Annual Fuel Gas Reimbursement Report for 2018.
Filed Date: 7/25/18.
Accession Number: 20180725–5143.
Comments Due: 5 p.m. ET 8/6/18.

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: July 26, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–16627 Filed 8–2–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–69–000.
Applicants: Red Bluff Express Pipeline, LLC.
Description: Tariff filing per 284.123(b),(e)/: Red Bluff Express Pipeline, LLC Rate Election & Baseline SOC, to be effective 6/23/2018.
Filed Date: 7/23/18.
Accession Number: 201807235195.
Comments/Protests Due: 5 p.m. ET 8/13/18.

Docket Number: PR18–70–000.
Applicants: Duke Energy Kentucky, Inc.
Description: Tariff filing per 284.123(b)(2)+(: 2018 Application for Rate Approval to be effective 7/25/2018.
Filed Date: 7/24/18.
Accession Number: 201807245055.
Comments/Protests Due: 5 p.m. ET 8/14/18.

Docket Numbers: RP18–997–000.
Applicants: Big Sandy Pipeline, LLC.
Description: Compliance filing Big Sandy Fuel Filing effective 9/1/2018.
Filed Date: 7/26/18.
Accession Number: 20180726–5129.
Comments Due: 5 p.m. ET 8/7/18.

Docket Numbers: RP18–998–000.
Applicants: Florida Southeast Connection, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Filing—FPL 4001–B to be effective 9/1/2018.
Filed Date: 7/26/18.
Accession Number: 20180726–5185.
Comments Due: 5 p.m. ET 8/7/18.

Docket Numbers: RP18–999–000.
Applicants: Millennium Pipeline Company, LLC.
Description: § 4(d) Rate Filing: RAM 2018—Periodic RAM Adjustment to be effective 9/1/2018.
Filed Date: 7/27/18.
Accession Number: 20180727–5085.
Comments Due: 5 p.m. ET 8/8/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 30, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–16633 Filed 8–2–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0543, FRL–9981–11–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (Renewal), (EPA ICR No. 1775.08, OMB Control No. 2050–0161) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before

doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 2, 2018.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0543, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–5477; fax number: 703–308–8433; email address: *vyas.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Resource Conservation and Recovery Act (RCRA) requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. Under this program, EPA regulates newly generated hazardous wastes, as well as hazardous remediation wastes (*i.e.,* hazardous wastes managed during cleanup). Hazardous remediation waste management sites must comply with all parts of 40 CFR part 264 except subparts B, C, and D. In place of these requirements, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 CFR 264.1(j).

Under § 264.1(j), owners/operators of remediation waste management sites must develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. In addition, the Remedial Action Plan streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the private sector, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA § 3004(u)).

Estimated number of respondents: 215.

Frequency of response: One-time.

Total estimated burden: 6,953 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $431,798 (per year), includes $392,442 annualized labor and $39,356 annualized capital or operation & maintenance costs.

Changes in estimates: The burden hours are likely to stay substantially the same.

Dated: July 16, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–16687 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–EPA–HQ–ORD; Docket ID No. EPA–HQ–ORD–2014–0527]

Extension of Comment Period for the Availability of the IRIS Assessment Plan for Naphthalene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the public comment period for the document titled, ''Availability of the IRIS Assessment Plan for Naphthalene.'' The original **Federal Register** document announcing the public comment period was published on July 5, 2018 (83 FR 31388). With this extension, the comment period ends on September 5, 2018. The public science webinar will still be convened on August 23, 2018.

DATES: The public comment period began on July 5, 2018, and is being extended to September 5, 2018. Comments must be received on or before September 5, 2018.

ADDRESSES: The ''Availability of the IRIS Assessment Plan for Naphthalene'' is available via the internet on IRIS' website at *https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nmbr=436* and in the public docket at *http://www.regulations.gov,* Docket ID: EPA–HQ–ORD–2014–0527.

FOR FURTHER INFORMATION CONTACT: For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202–566–1752; facsimile: 202–566–9744; or email: *Docket_ORD@epa.gov.*

For technical information on the draft IRIS Assessment Plan for naphthalene, contact Dr. James Avery, NCEA;

telephone: 202–564–1494; or email: *avery.james@epa.gov*.

SUPPLEMENTARY INFORMATION: How to Submit Technical Comments to the Docket at *http://www.regulations.gov*.

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2014–0527 for naphthalene, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Docket_ORD@epa.gov*.
- *Fax:* 202–566–9744.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The ORD Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20229.

The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to docket number EPA–HQ–ORD–2014–0527 for naphthalene. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information through *www.regulations.gov* or email that you consider to be CBI or otherwise protected. The *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 *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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *www.epa.gov/epahome/dockets.htm*.

Docket: Documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Dated: July 24, 2018.

James Avery,

Acting Deputy Division Director,Integrated Risk Information System, National Center for Environmental Assessment.

[FR Doc. 2018–16686 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9040–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7156 or *https://www2.epa.gov/nepa/*.

Weekly receipt of Environmental Impact Statements

Filed 07/23/2018 Through 07/27/2018

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20180170, Final, BLM, NV, Greater Phoenix Project, Review Period Ends: 09/04/2018,Contact: Christine Gabriel 775–635–4000

EIS No. 20180171, Draft, USFS, AK, Chugach National Forest Land Management Plan Draft Environmental Impact Statement, Comment Period Ends: 11/01/2018, Contact: Denise Downie 907–743–9426

EIS No. 20180172, Draft, NPS, TN, Contaminated Mine Drainage Mitigation and Treatment Programmatic/Site Specific Draft EIS, Comment Period Ends: 09/17/2018, Contact: Michael B. Edwards 303–969–2694

EIS No. 20180173, Draft, FHWA, SC, Carolina Crossroads I–20/26/126 Corridor Project, Comment Period Ends: 09/17/2018, Contact: J. Shane Belcher 803–253–3187

EIS No. 20180174, Draft, NPS, FL, Gulf Islands National Seashore Personal Watercraft Plan, Comment Period Ends: 09/17/2018, Contact: Dan Brown 850–934–2613

EIS No. 20180175, Final, FERC, CA, Lassen Lodge Final Environmental Impact Statement, Review Period Ends: 09/04/2018, Contact: Kenneth Hogan 202–502–8434

EIS No. 20180176, Draft, BLM, NM, Carlsbad Draft Resource Management Plan and Environmental Impact Statement, Comment Period Ends: 11/05/2018, Contact: Hector Gonzales 575–234–5968

Amended Notice

Revision to the **Federal Register** Notice published 07/20/2018, extend comment period from 08/20/2018 to 08/27/2018, EIS No. 20180164, Final, USFS, CA, Exchequer Restoration Project, Contact: Elaine Locke 559–885–5355.

Dated: July 30, 2018.

Kelly Knight,

Acting Director, Office of Federal Activities.

[FR Doc. 2018–16572 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0317, FRL–9981–12–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Criteria for Classification of Solid Waste Disposal Facilities and Practices, Recordkeeping and Reporting Requirements (Renewal), (EPA ICR No. 1745.09, OMB Control No. 2050–0154) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through November 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before October 2, 2018.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0317, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Craig Dufficy, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, mailcode 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–9037; fax number: 703–308–8686; email address: *Dufficy.craig@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: 40 Part 257 Subpart B established specific standards and reporting and recordkeeping requirements for owners and operators of new, existing, and lateral expansions of existing non-municipal non-hazardous waste disposal units that receive conditionally exempt small quantity generator (CESQG) hazardous wastes. In order to effectively implement and enforce 40 CFR part 257 Subpart B on a State level, owners/operators of construction and demolition waste landfills that receive CESQG hazardous wastes have to comply with the reporting and recordkeeping requirements.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are States.

Respondent's obligation to respond: mandatory (40 CFR 257).

Estimated number of respondents: 152.

Frequency of response: On occasion.

Total estimated burden: 11,215. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,577,659 which includes $936,491 annualized capital or O&M costs.

Changes in estimates: The burden hours are likely to stay substantially the same.

Dated: July 16, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–16690 Filed 8–2–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, August 2, 2018

July 26, 2018.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, August 2, 2018 which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW, Washington, DC.

Item No.	Bureau	Subject
1	Wireless Tele-Communications	*Title:* Auctions of Upper Microwave Flexible Use Licenses for Next-Generation Wireless Services; Minimum Opening Bids, Upfront Payments, and Other Procedures for Auctions 101 (28 GHz) and 102 (24 GHz) (AU Docket No. 18–85). *Summary:* The Commission will consider a Public Notice establishing application and bidding procedures for auctioning Upper Microwave Flexible Use Licenses in the 28 GHz (Auction 101) and 24 GHz (Auction 102) bands.
2	Wireless Tele-Communications	*Title:* Use of Spectrum Bands Above 24 GHz For Mobile Radio Services (GN Docket No. 14–177).

Item No.	Bureau	Subject
		Summary: The Commission will consider a Further Notice of Proposed Rulemaking proposing an auction mechanism that would transition existing spectrum holdings in the 39 GHz band (38.6–40 GHz) to a new flexible-use band plan and would offer new licenses for contiguous spectrum in the band.
3	Wireline Competition and Wireless Tele-Communications.	*Title:* Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment (WC Docket No. 17–84), (WT Docket No. 17–79). *Summary:* The Commission will consider a Report and Order that will allow one-touch make-ready for most pole attachments and further reform its pole attachment process, and a Declaratory Ruling that will conclude that section 253(a) prohibits state and local moratoria on telecommunications facilities deployment.
4	Wireline Competition	*Title:* Promoting Telehealth for Low-Income Consumers (WC Docket No. 18–213). *Summary:* The Commission will consider a Notice of Inquiry on creating a Universal Service Fund pilot program to promote the use of telehealth services among low-income Americans.
5	Media	*Title:* LPTV, TV Translator, and FM Broadcast Station Reimbursement (MB Docket No. 18–214); Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268). *Summary:* The Commission will consider a Notice of Proposed Rulemaking and Order that begins the process of implementing Congress's directive in the Reimbursement Expansion Act that the Commission reimburse certain low power television, television translator, and FM broadcast stations for costs incurred as a result of the Commission's broadcast television spectrum incentive auction.
6	Media	*Title:* Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services (MB Docket No. 17–289). *Summary:* The Commission will consider a Report and Order establishing the requirements which will govern an incubator program that seeks to promote the entry of new and diverse voices into the broadcast industry.
7	Office of Managing Director	*Title:* Office of Managing Director Personnel Action #75. *Summary:* The Commission will consider a personnel action.

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The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–16586 Filed 8–2–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0508]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0508.

Title: Parts 1 and 22 Reporting and Recordkeeping Requirements

Form Number: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Individuals or households, and State, Local or Tribal Governments.

Number of Respondents and Responses: 15,465 respondents; 16,183 responses.

Estimated Time per Response: 0.13 hours–10 hours.

Frequency of Response: Recordkeeping requirement; On occasion, quarterly, and semi-annual reporting requirements; Third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154, 222, 303, 309 and 332.

Total Annual Burden: 2,606 hours.

Annual Cost Burden: $19,138,350.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information. The information to be collected will be made available for public inspection. Applicants may request materials or information submitted to the Commission be given confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Part 22 contains the technical and legal requirements for radio stations operating in the Public Mobile Services. The information collected is used to determine on a case-by-case basis, whether or not to grant licenses authorizing construction and operation of wireless telecommunications facilities to common carriers. Further, this information is used to develop statistics about the demand for various wireless licenses and/or the licensing process itself, and occasionally for rule enforcement purposes.

This revised information collection reflects deletion of a rule applicable to all licensees and applicants governed by Part 22 of the Commission's rules, as adopted by the Commission in a Third Report and Order in WT Docket Nos. 12–40 (Cellular Third R&O) (FCC 18–92). The Cellular Third R&O deleted certain Part 22 rules that either imposed administrative and recordkeeping burdens that are outdated and no longer serve the public interest, or that are largely duplicative of later-adopted rules and are thus no longer necessary. Among the rule deletions and of relevance to this information collection, the Commission deleted rule section 22.303, resulting in discontinued information collection for that rule section.

The Commission is now seeking approval from the OMB for a revision of this information collection.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–16585 Filed 8–2–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Modifications to the Statement of Policy Pursuant to Section 19 of the Federal Deposit Insurance Act Concerning Participation in the Conduct of the Affairs of an Insured Institution by Persons Who Have Been Convicted of Crimes Involving Dishonesty, Breach of Trust or Money Laundering or Who Have Entered Pretrial Diversion Programs for Such Offenses

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final policy statement.

SUMMARY: On January 8, 2018, the FDIC published in the **Federal Register** notice of proposed changes to its statement of policy (SOP) concerning participation in banking of a person convicted of a crime of dishonesty or breach of trust or money laundering or who has entered a pretrial diversion or similar program in connection with the prosecution for such offense pursuant to Section 19 of the Federal Deposit Insurance Act, 12 U.S.C. 1829 and sought comments on the proposed changes. After the closing of the comment period, the FDIC reviewed the comments received and has made some changes and clarifications to the proposed statement. The FDIC is now publishing the SOP in its final form. After publication the statement of policy will also be available on the FDIC's website.

DATES: *Applicable Date:* July 19, 2018.

FOR FURTHER INFORMATION CONTACT: Brian Zeller, Review Examiner (319) 395–7394 ext. 4125, or Larisa Collado, Section Chief (202) 898 8509, in the Division of Risk Management Supervision, or Michael P. Condon, Counsel (202) 898–6536 or Andrea Winkler, Supervisory Counsel (202) 898 3727 in the Legal Division.

SUPPLEMENTARY INFORMATION:

I. Background

Section 19 of the Federal Deposit Insurance Act, 12 U.S.C. 1829, (FDI Act) prohibits, without the prior written consent of the FDIC, a person convicted of any criminal offense involving dishonesty or breach of trust or money laundering (covered offenses), or who has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, from becoming or continuing as an institution-affiliated party (IAP), owning or controlling, directly or indirectly an insured depository institution (insured institution), or otherwise participating, directly or indirectly, in the conduct of the affairs of the insured institution. In addition, the law forbids an insured institution from permitting such a person to engage in any conduct or to continue any relationship prohibited by Section 19. Section 19 provides a criminal penalty for the knowing violation of its provisions of a fine of not more than $1,000,000 for each day of the violation or imprisonment for not more than five years. The FDIC's current SOP was published in December 1998 (63 *FR* 66177) to provide the public with guidance relating to Section 19, and the application thereof.

II. Revisions to the Statement of Policy Based on Comments Received

Following the close of the comment period the FDIC reviewed the comments received. All of the comments were, in general, supportive of the changes the FDIC had proposed but several of the comments suggested additional changes, modifications or clarifications of both existing provisions of the statement of policy and in response to the changes

on which the FDIC had requested comment. Having reviewed the comments the FDIC has accepted some of those comments, in whole or in part, as well as making some additional technical revisions to the SOP.

III. Review of Comments Received

The FDIC received seven comment letters or emails on its proposed revision of the SOP. The comments came from a number of different entities—one from an individual; one on behalf of an insured depository institution; two from different depository institution trade groups; two from different components of an umbrella advocacy group; and one from an organization that provides legal aid assistance. Of the seven commenters, three (from the individual and the two depository institution trade groups) were supportive of the proposed changes in the SOP and did not suggest any additional changes or modifications. While the remaining four commenters were, in general, supportive of the FDIC's proposed changes, they suggested additional new changes, clarifications or modifications, which are discussed below.

Conditional Offers of Employment

Two comments addressed proposed changes to the SOP that would allow institutions to make conditional offers of employment prior to conducting a background check into the applicant's prior arrests, convictions or entries into a pre-trial diversion or similar program (program entry). Both comments suggested that the FDIC actually instruct all FDIC-insured institutions to adopt the practice of making such conditional offers of employment. The FDIC declines to make this change for a number of reasons.

The FDIC's statutory authority under Section 19 is focused upon the requirement that the FDIC provide prior written consent before an individual covered by the statute may participate in the affairs of an insured depository institution. It does not grant the FDIC any rule-making authority to impose conditions or requirements on an insured depository institution other than to note that an institution may face a criminal penalty for acting in violation of the statute. The FDIC takes the position that insured depository institutions should be free to develop the policies and procedures best suited to them to ensure compliance with Section 19. In addition, the FDIC does not have direct supervisory authority over insured depository institutions that are subject to the supervisory authority of other Federal banking agencies (FBAs). Therefore, it is within the supervisory authority of the other FBAs to determine what is satisfactory to them in reviewing the policies and procedures their respective supervised institutions adopt to ensure compliance with Section 19. Insofar as the SOP constitutes policy guidance rather than an enforceable regulation, it is an inappropriate means for the FDIC to impose such a mandatory requirement even on its own supervised insured depository institutions.

Expungements

Three comments opined that the language proposed by the FDIC regarding expungements should be clarified or expanded. One suggested that the FDIC accept all expungements as complete expungements regardless of whether the records could be accessible for any other purpose. In considering the comments, the FDIC agrees that the proposed language in the SOP should be altered to clarify when an expungement is considered complete for Section 19 purposes, while providing the FDIC's rationale for allowing at least some expungements to remove a conviction or program entry from Section 19's coverage.

The FDIC has determined that expungements that reflect the complete destruction of the records and the jurisdiction's goal to completely remove the conviction or program entry from a person's past, justified the interpretation that the intent was to, as a matter of law and fact, place the person in the position as if conviction or program entry had never happened. However, in cases where the FDIC has considered whether an expungement was complete it found that in the majority of cases either the records were still in existence or the expungement was limited and allowed the use of the conviction or program entry records in subsequent matters including, but not limited to, questions associated with character and fitness depending on the jurisdiction's public policies.

After reviewing the comments the FDIC agrees that the language in the proposed changes to the SOP should be altered to clarify and more carefully focus on the type of expungement that it believes should exclude a conviction or program entry from the bar in Section 19. First, as noted in the proposed notice and comment, the existence of records of convictions and program entries may be found in multiple places even if the originals are destroyed in a timely manner. Second, in considering the issue of whether the expungement is one that should be outside the scope of Section 19 the more fundamental question is whether the jurisdiction, by statute or court order, intended that the conviction or program entry be no longer in existence and, essentially, gone from the individual's history. Preservation in an expungement statute or in a court order of the ability to subsequently use the conviction or program entry for another purpose, consistent with the jurisdiction's public policy, means that the conviction or program entry has not been completely expunged. In such a circumstance, the FDIC will also review the conviction or program entry to determine if it should grant consent for the person to work in, or otherwise participate in the affairs of, an insured depository institution. The FDIC is amending the language in the SOP to read:

> If an order of expungement has been issued in regard to a conviction or program entry and is intended by the language in the order itself, or in the legislative provisions under which the order was issued, to be a complete expungement, then the jurisdiction, either in the order or the underlying legislative provisions, cannot allow the conviction or program entry to be used for any subsequent purpose including, but not limited to, an evaluation of a person's fitness or character. The failure to destroy or seal the records will not prevent the expungement from being considered complete for the purposes of Section 19 in such a case.

One comment suggested that successful completion of a pretrial diversion or similar program should be considered a complete expungement. The FDIC declines to make the suggested change for two reasons. First, the statutory language in Section 19 applies in the same manner to convictions and program entries. Second, consistent with the treatment of expungements discussed, in the context of a conviction, to the extent a program entry is still subject to subsequent use by the jurisdiction where it was entered, then the FDIC will treat it the same as a conviction. One comment also suggested that sealed records should be excluded from the coverage of Section 19. If the order sealing the records is one that would be the same as an order of complete expungement as set out in the SOP, then the FDIC will treat it in the same manner as a complete order of expungement.

Conviction of Record

Two comments focused on the proposed language in the SOP that states that convictions that are set aside or reversed after sentencing requirements have been completed remain convictions of record for purposes of Section 19. As noted by one of the comments, there are jurisdictions

in which after an individual has completed all of the sentencing requirements, the court has set aside the conviction based upon the completion of sentencing alone. The FDIC is aware that such jurisdictions have used the foregoing process to create what is essentially a ''pretrial diversion or similar program.'' In contrast, courts may set aside or reverse a conviction on appeal based upon a procedural or substantive error in the case. The vast majority of such cases will have a finding that addresses the error.

The FDIC believes that where a conviction has been set aside because of the completion of a sentence, such a procedure is, in essence, a pretrial diversion or similar program, covered by Section 19. On the other hand, in cases in which there has been a procedural or substantive error that results in the conviction being set aside, the FDIC will not consider such convictions as a conviction of record for Section 19 purposes. In order to clarify the different treatment, the FDIC has adjusted the language in the SOP to clearly recognize that convictions set aside or reversed on appeal that are based on a finding that there has been a procedural or substantive error should not be considered convictions for the purposes of Section 19.

Three of the comments focused on the state of New York's adjournments in contemplation of dismissal (ACD) program (and in general seemingly to other similar programs), and recommended that the FDIC explicitly find that ACDs are not pretrial diversion or similar programs. As the comments recognize, however, one or more of the elements of rehabilitation addressed in the SOP as a factor for determining whether something is a pretrial diversion or similar program can apply to ACDs. Therefore, it is difficult to treat ACDs as anything other than a pretrial diversion or similar program. To the extent that the FDIC may have previously issued a letter determining that a particular individual who had an ACD was not covered by Section 19, the FDIC will not retroactively change its response in that case.

De Miminis Exception

Three of the comments focused on various aspects of the FDIC's *de minimis* exception to filing, as it currently exists, or as proposed, and sought additional clarifications or modifications. One comment criticized the definition of ''jail time'' in the proposed SOP, and suggested that the definition should remain the traditional definition of that term, *i.e.,* actual time in jail. The existing SOP does not include any definition of jail time; however, the FDIC, based on its experience, is aware that jurisdictions apply various approaches to confinement based upon the nature and circumstances of the crime. Therefore, the FDIC seeks to provide a definition of the term ''jail time'' that is consistent with its efforts to apply the *de minimis* exception to lesser crimes. In reviewing the comments, however, the FDIC determined that the definition, as proposed, may be too broad given the interpretations reflected in the comments, which suggest that such items as parole may appear to be included. Therefore, the FDIC has adjusted the language in the SOP to define ''jail time'' as ''the confinement to a specific facility or building on a continuous basis . . .'' The definition is not intended to include those on probation or parole who may be restricted to a particular jurisdiction, or who must report occasionally to an individual or to a specified location.

Another comment sought to change the unlimited time to which Section 19's coverage applies to criminal convictions or program entries to only those occurring within the prior 7 to 10 years. Because the statutory language contains no limits on the period of time to which its prohibitions apply, the FDIC does not have the authority to change that time. In fact, the FDIC notes that there is a ten-year restriction on its ability to grant consent for certain serious crimes that requires the FDIC to obtain the sentencing court's permission prior to its granting consent to permit a covered individual to participate in the affairs of an insured depository institution. Further, while the passage of time is a factor in the FDIC's review of an application under Section 19, it is not, by itself, dispositive.

One comment proposed that the SOP should contain a short list of crimes that would never require an application or that would be included within a *de minimis* exception to filing once a limited period of time has passed. The FDIC believes that a sufficient period of time should pass after a crime has occurred to allow the FDIC to determine if the individual has engaged in similar behaviors, which would potentially put an insured financial institution at risk. The FDIC considers this to be an important element of the *de minimis* exception to filing and is not prepared to eliminate the time requirement.

One comment appears to suggest that all crimes committed by a person under the age of 21 should be covered by the *de minimis* exception to filing, provided that there is at least 30 months between the conviction and the potential employment. Again, the FDIC has determined that if there is a pattern of covered crimes before the age of 21, it should look at an individual's application to determine the degree of risk to any insured depository institutions as proposed in the SOP. However, one aspect of the comment addressed the use of false, fake or altered forms of identification. Although the FDIC is not prepared to extend *de minimis* as far as the comment suggested, the FDIC has decided that the use of a fake, false or altered form of identification by a person under the legal age to obtain or purchase alcohol, or to enter a premises where alcohol is served but for which an age appropriate identification is required, is an acceptable category for the use of the *de minimis* exception to filing, provided that the person has no other conviction or program entry for a crime covered under Section 19.

Additionally, one comment suggested that the proposed *de minimis* exception to filing for crimes or program entries that occurred when the individual was 21 or younger be expanded to include cases in which the actions that led to the conviction or program entry occurred before age 21, but the conviction or program entry did not occur until after the age of 21. The FDIC has determined that this change is consistent with the reasons for this exception to the filing requirements and has included a specific exception to include such cases.

Two comments focused on the requirement that drug crimes that do not fit the *de minimis* exception to filing should not be covered by Section 19. The FDIC maintains that an application is required for it to determine the nature of the offense and elements of the crime, and therefore it will continue the current requirement that an application be filed. Alternatively, it was suggested that the FDIC create a specific category of *de minimis* exceptions to filing to cover minor drug offenses. The FDIC in its proposed changes has already noted that, if the drug crime fits the *de minimis* exception to filing, then no application is required, and no separate *de minimis* category for drug offenses is necessary.

One other issue of note is that, after careful review, the FDIC has recognized that all of the categories falling within the *de minimis* exceptions to filing should be consistent, and that no category should be included in the exception if the covered crime was committed against an insured depository institution or insured credit union. This requirement is contained in the general *de minimis* exception to

filing, as well as the exception pertaining to insufficient funds checks and the exception regarding those under 21. Therefore, the FDIC is making clear that the proposed small theft exception is treated similarly and is subject to the same restriction. As with any crime that does not fit a *de minimis* category, an application can still be filed.

Application Processing

Two of the comments raised a number of suggestions related to the processing of applications. One suggestion was to clarify the process for job applicants on the FDIC website. Similarly, two other comments also focused on the FDIC's website and application, suggesting that both should explain the process and relevant law in a plainer, more accessible language. Although these suggestions are beyond the language of the proposed changes to the SOP, the FDIC will update its website and application form and will develop a brochure that will provide guidance to the public on the application process.

Another suggestion was to require financial institutions to provide notice to job applicants if the institution will not file a waiver on the person's behalf, and to make the forms easily available to the applicant. Such a requirement is beyond the reach of the SOP insofar as it would require a formal rulemaking. A third suggested change was to shorten the period of time for the processing of an application by permitting the FDIC to verify documents in the applicant's possession. The FDIC already relies on the verification of documents provided by the applicant, but must also undertake an independent review to determine that the information is complete and accurate. A fourth suggestion was to include a link in the SOP to the application form. The FDIC agrees that this change is related to the SOP and has added a link in the final version.

Two comments relate to the evaluation of applications by the FDIC. Essentially these comments focused on instructions to application evaluators as to how to weigh and apply the factors set out in the SOP and as set out in the FDIC's regulations (12 CFR 308.157). The suggestions were that the FDIC should provide instructions on how to evaluate the age of the applicant at the time of the conviction, the passage of time since the conviction, and the relevance of prior offenses. Although these are just some of the factors used by the FDIC to evaluate an application, the FDIC does not agree that further instruction to application reviewers is necessary or appropriate. The weight given to the various factors is often based on the totality of the circumstances and the factors are often interwoven in their application to a specific case. Each application undergoes review in the region by both experienced safety and soundness examiners and attorneys in the legal division, as well as several layers of management review, before a final determination is made. In the case of individuals seeking a waiver of the institution filings requirement, in addition to the review at the regional office, the application undergoes a similar review in the Washington Office. Further, such instruction would be one of internal policy and would not come within the purpose or intent of the SOP.

One comment suggested that the FDIC instruct individuals who are filing for themselves and requesting a waiver of the institution filing requirement to fill out the application form and include information identifying the position sought by the applicant. The FDIC does not agree that this would be appropriate for such applications which, if approved, result in blanket approval to participate in banking. One comment also suggested that the FDIC process applications in fewer than 60 days. While the FDIC does work to process applications quickly, the establishment of such a timeline would be a matter of internal controls and does not fall within the purpose or intent of the SOP.

Technical and Clarifying Changes

In addition to the foregoing, the FDIC, upon review of the proposed SOP, has made the following technical and clarifying changes.

The FDIC has corrected an incorrect citation in Subsection A of the SOP that identifies the provisions of Section 19 that apply to bank and savings and loan holding companies. The correct citation is to 12 U.S.C. 1829(d) and (e). Also, the FDIC believes that the example in Subsection A that describes Section 19 as not applying to employees of bank and savings and loan holding companies is misleading, and the FDIC has simplified the example to focus on the circumstances in which Section 19 may apply in the case of an insured depository institution. Therefore, that example has been adjusted to read ''For example, in the context of the FDIC's application of Section 19, it would apply to an insured depository institution's holding company's directors and officers to the extent that they have the power to define and direct the management or affairs of insured depository institution.''

The FDIC also made a slight change in Subsection D(1) to remove the word ''covered'' from the language in that subsection since it would appear to be conclusory, and its removal brings this factor in line with the language in the FDIC's regulations (12 CFR 308.157(a)(1)).

Furthermore, the FDIC is adding language stating that Section 19 applications submitted by depository institutions are to be filed with the FDIC Regional Office covering the state in which the institution's home office is located.

IV. Paperwork Reduction Act

In accordance with section 3512 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. These Modifications to the SOP for Section 19 of the FDI Act include clarification of reporting requirements in an existing FDIC information collection, entitled *Application Pursuant to Section 19 of the Federal Deposit Insurance Act* (3064–0018) that should result in a decrease in the number of applications filed. Specifically, the revised policy statement broadens the application of the *de minimis* exception to filing an application due to the minor nature of the offenses and the low risk that the covered party would pose to an insured institution based on the conviction or program entry. By modifying these provisions, the FDIC believes that there will be a reduction in the submission of applications where approval has been granted by virtue of the *de minimis* offenses exceptions to filing in the policy statement. In its last submission with OMB, the FDIC indicated that it will receive approximately 75 applications per year. The FDIC estimates that the revised SOP would reduce the number of applications filed each year by approximately 28 percent bringing the number of applications each year down to approximately 54. This change in burden will be submitted to OMB as a non-significant, nonmaterial change to an existing information collection. The estimated new burden for the information collection is as follows:

Title: ''Application Pursuant to Section 19 of the Federal Deposit Insurance Act''.

Affected Public: Insured depository institutions and individuals.

OMB Number: 3064–0018.

Estimated Number of Respondents: 54.

Frequency of Response: On occasion.

Average Time per Response: 16 hours.

Estimated Annual Burden: 864 *hours.*

V. Text of FDIC Statement of Policy for Section 19 of the FDI Act

For the reasons set forth above, the entire text of the proposed FDIC Statement of Policy for Section 19 is stated as follows:

FDIC Statement of Policy for Section 19 of the FDI Act

Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) prohibits, without the prior written consent of the Federal Deposit Insurance Corporation (FDIC), a person convicted of any criminal offense involving dishonesty or breach of trust or money laundering (covered offenses), or who has agreed to enter into a pretrial diversion or similar program (program entry) in connection with a prosecution for such offense, from becoming or continuing as an institution-affiliated party, owning or controlling, directly or indirectly an insured depository institution (insured institution), or otherwise participating, directly or indirectly, in the conduct of the affairs of the insured institution. In addition, the law forbids an insured institution from permitting such a person to engage in any conduct or to continue any relationship prohibited by Section 19. It imposes a ten-year ban against the FDIC's consent for persons convicted of certain crimes enumerated in Title 18 of the United States Code, absent a motion by the FDIC and court approval.

Section 19 imposes a duty upon an insured institution to make a reasonable inquiry regarding an applicant's history, which consists of taking steps appropriate under the circumstances, consistent with applicable law, to avoid hiring or permitting participation in its affairs by a person who has a conviction or program entry for a covered offense. The FDIC believes that at a minimum, each insured institution should establish a screening process that provides the insured institution with information concerning any convictions or program entry pertaining to a job applicant. This would include, for example, the completion of a written employment application that requires a listing of all convictions and program entries. In the alternative, for the purposes of Section 19, an FDIC-supervised institution may extend a conditional offer of employment contingent on the completion of a background check satisfactory to the institution and to determine if the applicant is barred by Section 19. In such a case, the job applicant may not work for or be employed by the insured institution until such time that the applicant is determined to not be barred under Section 19. The FDIC will look to the circumstances of each situation for FDIC-supervised institutions to determine whether the inquiry is reasonable.

Section 19 applies, by operation of law, as a statutory bar to participation absent the written consent of the FDIC. Upon notice of a conviction or program entry, an application must be filed seeking the FDIC's consent prior to the person's participation. The purpose of an application is to provide the applicant an opportunity to demonstrate that, notwithstanding the bar, a person is fit to participate in the conduct of the affairs of an insured institution without posing a risk to its safety and soundness or impairing public confidence in that institution. The burden is upon the applicant to establish that the application warrants approval.

A. Scope of Section 19

Section 19 covers institution-affiliated parties, as defined by 12 U.S.C. 1813(u) and others who are participants in the conduct of the affairs of an insured institution. This Statement of Policy applies only to insured institutions, their institution-affiliated parties, and those participating in the affairs of an insured depository institution. Therefore, all employees of an insured institution fall within the scope of Section 19. In addition, those deemed to be *de facto* employees, as determined by the FDIC based upon generally applicable standards of employment law, will also be subject to Section 19. Whether other persons who are not institution-affiliated parties are covered depends upon their degree of influence or control over the management or affairs of an insured institution. For example, in the context of the FDIC's application of Section 19, it would apply to an insured depository institution's holding company's directors and officers to the extent that they have the power to define and direct the management or affairs of insured depository institution. Similarly, directors and officers of affiliates, subsidiaries or joint ventures of an insured institution or its holding company will be covered if they participate in the affairs of the insured institution or are in a position to influence or control the management or affairs of the insured institution. Typically, an independent contractor does not have a relationship with the insured institution other than the activity for which the insured institution has contracted. In terms of participation, an independent contractor who influences or controls the management or affairs of the insured institution would be covered by Section 19. Further, ''person'' for purposes of Section 19 means an individual, and does not include a corporation, firm or other business entity.

Individuals who file an application with the FDIC under the provisions of Section 19 who also seek to participate in the affairs of a bank or savings and loan holding company may have to comply with any filing requirements of the Board of the Governors of the Federal Reserve System under 12 U.S.C. 1829(d) & (e).

Section 19 specifically prohibits a person subject to its coverage from owning or controlling an insured institution. For purposes of defining ''control'' and ''ownership'' under Section 19, the FDIC has adopted the definition of ''control'' set forth in the Change in Bank Control Act (12 U.S.C. 1817(j)(8)(B)). A person will be deemed to exercise ''control'' if that person has the power to vote 25 percent or more of the voting shares of an insured institution (or 10 percent of the voting shares if no other person has more shares) or the ability to direct the management or policies of the insured institution. Under the same standards, person will be deemed to ''own'' an insured institution if that person owns 25 percent or more of the insured institution's voting stock, or 10 percent of the voting shares if no other person owns more. These standards would also apply to an individual acting in concert with others so as to have such ownership or control. Absent the FDIC's consent, persons subject to the prohibitions of Section 19 will be required to divest their control or ownership of shares above the foregoing limits.

B. Standards for Determining Whether an Application Is Required

Except as indicated in paragraph (5), below, an application must be filed where there is present a conviction by a court of competent jurisdiction for a covered offense by any adult or minor treated as an adult, or where such person has entered a pretrial diversion or similar program regarding that offense. Before an application is considered by the FDIC, all of the sentencing requirements associated with a conviction or conditions imposed by the pretrial diversion, or similar program, including but not limited to, imprisonment, fines, condition of rehabilitation, and probation requirements, must be completed, and the case must be considered final by the procedures of the applicable jurisdiction. The FDIC's application

forms as well as additional information concerning Section 19 can be accessed at the FDIC website. The link is: *https://www.fdic.gov/regulations/laws/forms/section19.html.*

(1) Convictions

There must be present a conviction of record. Section 19 does not cover arrests, pending cases not brought to trial, acquittals, or any conviction that has been reversed on appeal. A conviction with regard to which an appeal is pending requires an application. A conviction for which a pardon has been granted will require an application. A conviction that has been completely expunged is not considered a conviction of record and will not require an application. If an order of expungement has been issued in regard to a conviction or program entry and is intended by the language in the order itself, or in the legislative provisions under which the order was issued, to be a complete expungement, then the jurisdiction, either in the order or the underlying legislative provisions, cannot allow the conviction or program entry to be used for any subsequent purpose including, but not limited to, an evaluation of a person's fitness or character. The failure to destroy or seal the records will not prevent the expungement from being considered complete for the purposes of Section 19 in such a case. Expungements of pretrial diversion or similar program entries will be treated the same as those for convictions. Convictions that are set aside or reversed after the applicant has completed sentencing will be treated consistent with pretrial diversions or similar programs unless the court records reflect that the underlying conviction was set aside based on a finding on the merits that such conviction was wrongful.

(2) Pretrial Diversion or Similar Program

Program entry, whether formal or informal, is characterized by a suspension or eventual dismissal of charges or criminal prosecution often upon agreement by the accused to treatment, rehabilitation, restitution, or other noncriminal or non-punitive alternatives. Whether a program constitutes a pretrial diversion or similar program is determined by relevant Federal, state or local law, and, if not so designated under applicable law then the determination of whether it is a pretrial diversion or similar program will be made by the FDIC on a case-by-case basis. Program entries prior to November 29, 1990, are not covered by Section 19.

(3) Dishonesty or Breach of Trust

The conviction or program entry must be for a criminal offense involving dishonesty, breach of trust or money laundering. ''Dishonesty'' means directly or indirectly to cheat or defraud; to cheat or defraud for monetary gain or its equivalent; or wrongfully to take property belonging to another in violation of any criminal statute. Dishonesty includes acts involving want of integrity, lack of probity, or a disposition to distort, cheat, or act deceitfully or fraudulently, and may include crimes which Federal, state or local laws define as dishonest. ''Breach of trust'' means a wrongful act, use, misappropriation or omission with respect to any property or fund that has been committed to a person in a fiduciary or official capacity, or the misuse of one's official or fiduciary position to engage in a wrongful act, use, misappropriation or omission.

Whether a crime involves dishonesty or breach of trust will be determined from the statutory elements of the crime itself. All convictions or program entries for offenses concerning the illegal manufacture, sale, distribution of, or trafficking in controlled substances shall require an application unless they fall within the provisions for *de minimis* offenses set out in (5) below.

(4) Youthful Offender Adjudgments

An adjudgment by a court against a person as a ''youthful offender'' under any youth offender law, or any adjudgment as a ''juvenile delinquent'' by any court having jurisdiction over minors as defined by state law does not require an application. Such adjudications are not considered convictions for criminal offenses. Such adjudications do not constitute a matter covered under Section 19 and is not an offense or program entry for determining the applicability of the *de minimis* offenses exception to the filing of an application.

(5) De minimis Offenses

(a) In General

Approval is automatically granted and an application will not be required where the covered offense is considered *de minimis,* because it meets all of the following criteria:

- There is only one conviction or program entry of record for a covered offense;
- The offense was punishable by imprisonment for a term of one year or less and/or a fine of $2,500 or less, and the individual served three (3) days or less of jail time. The FDIC considers jail time to include any significant restraint on an individual's freedom of movement which includes, as part of the restriction, confinement to a specific facility or building on a continuous basis where the person may leave temporarily only to perform specific functions or during specified times periods or both. The definition is not intended to include those on probation or parole who may be restricted to a particular jurisdiction, or who must report occasionally to an individual or to a specified location.
- The conviction or program was entered at least five years prior to the date an application would otherwise be required; and
- The offense did not involve an insured depository institution or insured credit union.

(b) Additional Applications of the De Minimis Offenses Exception to Filing

Age at time of covered offense:

- If the actions that resulted in a covered conviction or program entry of record all occur when the individual was 21 years of age or younger, then the subsequent conviction or program entry, that otherwise meets the general *de minimis* criteria in (a) above, will be considered *de minimis* if the conviction or program entry was entered at least 30 months prior to the date an application would otherwise be required and all sentencing or program requirements have been met.

Convictions or program entries for insufficient funds checks:

- Convictions or program entries of record based on the writing of ''bad'' or insufficient funds check(s) shall be considered a *de minimis* offense under this provision and will not be considered as having involved an insured depository institution if the following applies:
- There is no other conviction or program entry subject to Section 19, and the aggregate total face value of all ''bad'' or insufficient funds check(s) cited across all the conviction(s) or program entry(ies) for bad or insufficient funds checks is $1,000 or less; and
- No insured depository institution or insured credit union was a payee on any of the ''bad'' or insufficient funds checks that were the basis of the conviction(s) or program entry(ies).

Convictions or program entries for small-dollar, simple theft:

- A conviction or program entry based on a simple theft of goods, services and/or currency (or other monetary instrument) where the aggregate value of the currency, goods and/or services taken was $500 or less at the time of conviction or program

entry, where the person has no other conviction or program entry under Section 19, where it has been five years since the conviction or program entry (30 months in the case of a person 21 or younger as described above) and which does not involve an insured financial institution or insured credit union is considered *de minimis.* Simple theft excludes burglary, forgery, robbery, identity theft, and fraud.

Convictions or program entries for the use of a fake, false or altered identification card:

The use of a fake, false or altered identification card used by person under the legal age for the purpose of obtaining or purchasing alcohol, or used for the purpose of entering a premise where alcohol is served but for which age appropriate identification is required, provided that there is no other conviction or program entry for a covered offense, will be considered *de minimis.*

Any person who meets the criteria under (5) above shall be covered by a fidelity bond to the same extent as others in similar positions, and shall disclose the presence of the conviction or program entry to all insured institutions in the affairs of which he or she intends to participate.

Further, no conviction or program entry for a violation of the Title 18 sections set out in 12 U.S.C. 1829(a)(2) can qualify under any of the *de minimis* exceptions to filing set out in 5 above.

C. Procedures

When an application is required, forms and instructions should be obtained from, and the application filed with, the appropriate FDIC Regional Director. The application must be filed by an insured institution on behalf of a person (bank-sponsored) unless the FDIC grants a waiver of that requirement (individual waiver). Such waivers will be considered on a case-by-case basis where substantial good cause for granting a waiver is shown. The appropriate Regional Office for a bank-sponsored application is the office covering the state where the bank's home office is located. The appropriate Regional Office for an individual filing for a waiver of the institution filing requirement is the office covering the state where the person resides.

D. Evaluation of Section 19 Applications

The essential criteria in assessing an application are whether the person has demonstrated his or her fitness to participate in the conduct of the affairs of an insured institution, and whether the affiliation, ownership, control or participation by the person in the conduct of the affairs of the insured institution may constitute a threat to the safety and soundness of the insured institution or the interests of its depositors or threaten to impair public confidence in the insured institution. In determining the degree of risk, the FDIC will consider, in conjunction with the factors set out in 12 CFR 308.157:

(1) Whether the conviction or program entry and the specific nature and circumstances of the offense are a criminal offense under Section 19;

(2) Whether the participation directly or indirectly by the person in any manner in the conduct of the affairs of the insured institution constitutes a threat to the safety and soundness of the insured institution or the interests of its depositors or threatens to impair public confidence in the insured institution;

(3) Evidence of rehabilitation including the person's reputation since the conviction or program entry, the person's age at the time of conviction or program entry, and the time that has elapsed since the conviction or program entry;

(4) The position to be held or the level of participation by the person at an insured institution;

(5) The amount of influence and control the person will be able to exercise over the management or affairs of an insured institution;

(6) The ability of management of the insured institution to supervise and control the person's activities;

(7) The level of ownership the person will have of the insured institution;

(8) The applicability of the insured institution's fidelity bond coverage to the person; and

(9) Any additional factors in the specific case that appear relevant including but not limited to the opinion or position of the primary Federal and/or state regulator.

The foregoing criteria will also be applied by the FDIC to determine whether the interests of justice are served in seeking an exception in the appropriate court when an application is made to terminate the ten-year ban under 12 U.S.C. 1829(a)(2) for certain Federal offenses, prior to its expiration date.

Some applications can be approved without an extensive review because the person will not be in a position to constitute any substantial risk to the safety and soundness of the insured institution. Persons who will occupy clerical, maintenance, service, or purely administrative positions, generally fall into this category. A more detailed analysis will be performed in the case of persons who will be in a position to influence or control the management or affairs of the insured institution. All approvals and orders will be subject to the condition that the person shall be covered by a fidelity bond to the same extent as others in similar positions. In cases in which a waiver of the institution filing requirement has been granted to an individual, approval of the application will also be conditioned upon that person disclosing the presence of the conviction(s) or program entry(ies) to all insured institutions in the affairs of which he or she wishes to participate. When deemed appropriate, bank sponsored applications are to allow the person to work in a specific job at a specific bank and may also be subject to the condition that the prior consent of the FDIC will be required for any proposed significant changes in the person's duties and/or responsibilities. In the case of bank applications such proposed changes may, in the discretion of the Regional Director, require a new application. In situations in which an approval has been granted for a person to participate in the affairs of a particular insured institution and who subsequently seeks to participate at another insured depository institution, another application must be submitted.

By order of the Board of Directors, July 19, 2018.

Dated at Washington, DC, on July 19, 2018.

By order of the Board of Directors.

Valerie Best,

Assistant Executive Secretary.

[FR Doc. 2018–16634 Filed 8–2–18; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1093]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Additive Petitions and Investigational Food Additive Exemptions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information,

including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of our regulations regarding Food Additive Petitions and Investigational Food Additive Exemptions.

DATES: Submit either electronic or written comments on the collection of information by October 2, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 2, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–1093 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Food Additive Petitions and Investigational Food Additive Exemptions.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Food Additive Petitions and Investigational Food Additive Exemptions—21 CFR 570.17, 571.1, and 571.6

OMB Control Number 0910–0546—Extension

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 348(a)) provides that a food additive shall be deemed to be unsafe unless its use is permitted by a regulation which prescribes the condition(s) under which it may safely be used, or unless it is exempted by

regulation for investigational use. Section 409(b) of the FD&C Act (21 U.S.C. 348(b)) specifies the information that must be submitted by a petitioner to establish the safety of a food additive and to secure the issuance of a regulation permitting its use.

To implement the provisions of § 409 of the FD&C Act, we issued procedural regulations under 21 CFR part 571. These procedural regulations are designed to specify more thoroughly the information that must be submitted to meet the requirement set down in broader terms by the FD&C Act. The regulations add no substantive requirements to those indicated in the FD&C Act, but attempt to explain these requirements and provide a standard format for submission to speed processing of the petition. Labeling requirements for food additives intended for animal consumption are also set forth in various regulations contained in 21 CFR parts 501, 573, and 579. The labeling regulations are considered by FDA to be cross-referenced to § 571.1, which is the subject of this same OMB clearance for food additive petitions.

With regard to the investigational use of food additives, § 409(j) of the FD&C Act (§ 409(j)) (21 U.S.C. 348(j)) provides that any food additive, or any food bearing or containing such an additive, may be exempted from the requirements of this section if intended solely for investigational use by qualified experts. Investigational use of a food additive is typically to address the safety and/or intended physical or technical effect of the additive.

To implement the provisions of § 409(j), we issued regulations under 21 CFR 570.17. These regulations are designed to specify more thoroughly the information that must be submitted to meet the requirement set down in broad terms by the FD&C Act. Labeling requirements for investigational food additives are also set forth in various regulations contained in 21 CFR 501. The labeling regulations are considered by FDA to be cross-referenced to § 570.17, which is the subject of this same OMB clearance for investigational food additive files.

The information collected is necessary to protect the public health. We use the information submitted by food manufacturers or food additive manufacturers to ascertain whether the data establish the identity of the substance, justify its intended effect in/on the food, and establish that its intended use in/on food is safe.

Description of Respondents: Respondents to this collection of information are food manufacturers or food additive manufacturers.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Food Additive Petitions:					
571.1(c) Moderate Category	12	1	12	3,000	36,000
571.1(c) Complex Category	12	1	12	10,000	120,000
571.6 Amendment of Petition	2	1	2	1,300	2,600
Investigational Food Additive Files:					
570.17 Moderate Category	4	1	4	1,500	6,000
570.17 Complex Category	5	1	5	5,000	25,000
Total Hours					189,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the total annual responses on submissions received during fiscal years 2016 and 2017. We base our estimate of the hours per response upon our experience with the petition and filing processes.

§ 571.1(c) Moderate Category: For a food additive petition without complex chemistry, manufacturing, efficacy or safety issues, the estimated time requirement per petition is approximately 3,000 hours. We estimate that, annually, 12 respondents will each submit 1 such petition, for a total of 36,000 hours.

§ 571.1(c) Complex Category: For a food additive petition with complex chemistry, manufacturing, efficacy and/or safety issues, the estimated time requirement per petition is approximately 10,000 hours. We estimate that, annually, 12 respondents will each submit 1 such petition, for a total of 120,000 hours.

§ 571.6: For a food additive petition amendment, the estimated time requirement per petition is approximately 1,300 hours. We estimate that, annually, two respondents will each submit one such amendment, for a total of 2,600 hours.

§ 570.17 Moderate Category: For an investigational food additive file without complex chemistry, manufacturing, efficacy, or safety issues, the estimated time requirement per file is approximately 1,500 hours. We estimate that, annually, four respondents will each submit one such file, for a total of 6,000 hours.

§ 570.17 Complex Category: For an investigational food additive file with complex chemistry, manufacturing, efficacy, and/or safety issues, the estimated time requirement per file is approximately 5,000 hours. We estimate that, annually, five respondents will each submit one such file, for a total of 25,000 hours.

The burden for this information collected has not changed since the last OMB approval.

Dated: July 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–16616 Filed 8–2–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0405]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Device Recall Authority

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the

Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 4, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0432. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Device Recall Authority

OMB Control Number 0910–0432—Extension

This collection of information implements section 518(e) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360h(e)) and part 810 (21 CFR part 810), mandatory medical device recall authority provisions. Section 518(e) of the FD&C Act provides FDA with the authority to issue an order requiring an appropriate person, including manufacturers, importers, distributors, and retailers of a device, if FDA finds that there is reasonable probability that the device intended for human use would cause serious adverse health consequences or death, to: (1) Immediately cease distribution of such device and (2) immediately notify health professionals and device-user facilities of the order and to instruct such professionals and facilities to cease use of such device.

FDA will then provide the person named in the cease distribution and notification order with the opportunity for an informal hearing on whether the order should be amended to require a mandatory recall of the device.

If, after providing the opportunity for an informal hearing, FDA determines that such an order is necessary, the Agency may amend the order to require a mandatory recall.

FDA issued part 810 to implement the provisions of section 518 of the FD&C Act. The information collected under the mandatory recall authority provisions will be used by FDA to implement mandatory recalls.

In the **Federal Register** of February 22, 2018 (83 FR 7740), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Collection activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Collections Specified in the Order—810.10(d)	2	1	2	8	16
Request for Regulatory Hearing—810.11(a)	1	1	1	8	8
Written Request for Review—810.12(a)–(b)	1	1	1	8	8
Mandatory Recall Strategy—810.14	2	1	2	16	32
Periodic Status Reports—810.16(a)–(b)	2	12	24	40	960
Termination Request—810.17(a)	2	1	2	8	16
Total Hours					1,040

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Collection activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Documentation of Notifications to Recipients—810.15(b)	2	1	2	8	16

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Collection activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notification to Recipients—810.15(a)–(c)	2	1	2	12	24
Notification to Recipients; Follow-up—810.15(d)	2	1	2	4	8
Notification of Consignees by Recipients—810.15(e)	10	1	10	1	10
Total					42

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate has not changed for information collection related to section 518(e) of the FD&C Act and part 810 since the last OMB approval.

Dated: July 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–16618 Filed 8–2–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0270]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Survey on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice and Retail Food Stores Facility Types

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by September 4, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0799. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Survey on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice and Retail Food Stores Facility Types

OMB Control Number 0910–0799—Reinstatement

I. Background

From 1998 to 2008, FDA's National Retail Food Team conducted a study to measure trends in the occurrence of foodborne illness risk factors, preparation practices, and employee behaviors most commonly reported to the Centers for Disease Control and Prevention as contributing factors to foodborne illness outbreaks at the retail level. Specifically, data was collected by FDA specialists in retail and foodservice establishments at 5-year intervals (1998, 2003, and 2008) to observe and document trends in the occurrence of the following foodborne illness risk factors:

- Food from Unsafe Sources,
- Poor Personal Hygiene,
- Inadequate Cooking,
- Improper Holding/Time and Temperature, and
- Contaminated Equipment/Cross-Contamination.

FDA developed reports summarizing the findings for each of the three data collection periods (1998, 2003, and 2008) (Refs. 1 to 3). Data from all three data collection periods were analyzed to detect trends in improvement or regression over time and to determine whether progress had been made toward the goal of reducing the occurrence of foodborne illness risk factors in selected retail and foodservice facility types (Ref. 4).

Using this 10-year survey as a foundation, in 2013 to 2014, FDA initiated a new study in full service and fast food restaurants. This study will span 10 years with additional data collections planned for 2017 to 2018 and 2021 to 2022.

FDA recently completed the baseline data collection in select healthcare, school, and retail food store facility types in 2015 to 2016. This proposed study will also span 10 years with additional data collections planned for 2019 to 2020 (the subject of this information collection request reinstatement) and 2023 to 2024 (which will be posted in the **Federal Register** at the next renewal).

TABLE 1—DESCRIPTION OF THE FACILITY TYPES INCLUDED IN THE SURVEY

Facility type	Description
Healthcare Facilities	Hospitals and long-term care facilities foodservice operations that prepare meals for highly susceptible populations as defined as follows: • Hospitals—A foodservice operation that provides for the nutritional needs of inpatients by preparing meals and transporting them to the patient's room and/or serving meals in a cafeteria setting (meals in the cafeteria may also be served to hospital staff and visitors). • Long-term care facilities—A foodservice operation that prepares meals for the residents in a group care living setting such as nursing homes and assisted living facilities. Note: For the purposes of this study, healthcare facilities that do not prepare or serve food to a highly susceptible population, such as mental healthcare facilities, are not included in this facility type category.
Schools (K–12)	Foodservice operations that have the primary function of preparing and serving meals for students in one or more grade levels from kindergarten through grade 12. A school foodservice may be part of a public or private institution.

Retail Food Stores	Supermarkets and grocery stores that have a deli department/operation as described as follows:
	• Deli department/operation—Areas in a retail food store where foods, such as luncheon meats and cheeses, are sliced for the customers and where sandwiches and salads are prepared onsite or received from a commissary in bulk containers, portioned, and displayed. Parts of deli operations may include:
	  • Salad bars, pizza stations, and other food bars managed by the deli department manager.
	  • Areas where other foods are cooked or prepared and offered for sale as ready-to-eat and are managed by the deli department manager.
	Data will also be collected in the following areas of a supermarket or grocery store, if present:

TABLE 1—DESCRIPTION OF THE FACILITY TYPES INCLUDED IN THE SURVEY—Continued

Facility type	Description
	• Seafood department/operation—Areas in a retail food store where seafood is cut, prepared, stored, or displayed for sale to the consumer. In retail food stores where the seafood department is combined with another department (e.g. meat), the data collector will only assess the procedures and practices associated with the processing of seafood. • Produce department/operation—Areas in a retail food store where produce is cut, prepared, stored, or displayed for sale to the consumer. A produce operation may include salad bars or juice stations that are managed by the produce manager.

The purpose of the study is to:

• Assist FDA with developing retail food safety initiatives and policies focused on the control of foodborne illness risk factors;

• Identify retail food safety work plan priorities and allocate resources to enhance retail food safety nationwide;

• Track changes in the occurrence of foodborne illness risk factors in retail and foodservice establishments over time; and

• Inform recommendations to the retail and foodservice industry and State, local, tribal, and territorial regulatory professionals on reducing the occurrence of foodborne illness risk factors.

The statutory basis for FDA conducting this study is derived from the Public Health Service Act (PHS Act) (42 U.S.C. 243, section 311(a)). Responsibility for carrying out the provisions of the PHS Act relative to food protection was transferred to the Commissioner of Food and Drugs in 1968 (21 CFR 5.10(a)(2) and (4)). Additionally, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*) and the Economy Act (31 U.S.C. 1535) require FDA to provide assistance to other Federal, State, and local government bodies.

The objectives of the study are to:

• Identify the least and most often occurring foodborne illness risk factors and food safety behaviors/practices in healthcare, school, restaurant, and retail food store facility types during each data collection period;

• Track improvement and/or regression trends in the occurrence of foodborne illness risk factors during the 10-year study period;

• Examine potential correlations between operational characteristics of food establishments and the control of foodborne illness risk factors;

• Examine potential correlations between elements within regulatory retail food protection programs and the control of foodborne illness risk factors; and

• Determine the extent to which food safety management systems and the presence of a certified food protection manager impact the occurrence of foodborne illness risk factors.

The methodology to be used for this information collection is described as follows. To obtain a sufficient number of observations to conduct statistically significant analysis, FDA will conduct approximately 400 data collections in each facility type. This sample size has been calculated to provide for sufficient observations to be 95 percent confident that the compliance percentage is within 5 percent of the true compliance percentage.

A geographical information system database containing a listing of businesses throughout the United States provides the establishment inventory for the data collections. FDA samples establishments from the inventory based on the descriptions in table 1. FDA does not intend to sample operations that handle only prepackaged food items or conduct low-risk food preparation activities. The ''FDA Food Code'' contains a grouping of establishments by risk, based on the type of food preparation that is normally conducted within the operation (Ref. 5). The intent is to sample establishments that fall under risk categories 2 through 4.

FDA has approximately 25 Regional Retail Food Specialists (Specialists) who serve as the data collectors for the 10-year study. The Specialists are geographically dispersed throughout the United States and possess technical expertise in retail food safety and a solid understanding of the operations within each of the facility types to be surveyed. The Specialists are also standardized by FDA's Center for Food Safety and Applied Nutrition personnel in the application and interpretation of the FDA Food Code (Ref. 5).

Sampling zones have been established that are equal to the 150-mile radius around a Specialist's home location. The sample is selected randomly from among all eligible establishments located within these sampling zones. The Specialists are generally located in major metropolitan areas (*i.e.,* population centers) across the contiguous United States. Population centers usually contain a large concentration of the establishments FDA intends to sample. Sampling from the 150-mile radius sampling zones around the Specialists' home locations provides three advantages to the study:

1. It provides a cross-section of urban and rural areas from which to sample the eligible establishments.

2. It represents a mix of small, medium, and large regulatory entities having jurisdiction over the eligible establishments.

3. It reduces overnight travel and therefore reduces travel costs incurred by the Agency to collect data.

The sample for each data collection period is evenly distributed among Specialists. Given that participation in the study by industry is voluntary and the status of any given randomly selected establishment is subject to change, substitute establishments have been selected for each Specialist for cases where the institutional foodservice, school, or retail food store facility is misclassified, closed, or otherwise unavailable, unable, or unwilling to participate.

Prior to conducting the data collection, Specialists contact the State or local jurisdiction that has regulatory responsibility for conducting retail food inspections for the selected establishment. The Specialist verifies with the jurisdiction that the facility has been properly classified for the purposes of the study and is still in operation. The Specialist ascertains whether the selected facility is under legal notice from the State or local regulatory authority. If the selected facility is under legal notice, the Specialist will not conduct a data collection, and a substitute establishment will be used. An invitation is extended to the State or local regulatory authority to accompany the Specialist on the data collection visit.

A standard form is used by the Specialists during each data collection. The form is divided into three sections: Section 1—''Establishment Information''; Section 2—''Regulatory Authority Information''; and Section 3—''Foodborne Illness Risk Factor and

Food Safety Management System Assessment''. The information in Section 1—''Establishment Information'' of the form is obtained during an interview with the establishment owner or person in charge by the Specialist and includes a standard set of questions.

The information in Section 2—''Regulatory Authority Information'' is obtained during an interview with the program director of the State or local jurisdiction that has regulatory responsibility for conducting inspections for the selected establishment. Section 3 includes three parts: Part A for tabulating the Specialists' observations of the food employees' behaviors and practices in limiting contamination, proliferation, and survival of food safety hazards; Part B for assessing the food safety management system being implemented by the facility; and Part C for assessing the frequency and extent of food employee hand washing. The information in Part A is collected from the Specialists' direct observations of food employee behaviors and practices. Infrequent, nonstandard questions may be asked by the Specialists if clarification is needed on the food safety procedure or practice being observed. The information in Part B is collected by making direct observations and asking followup questions of facility management to obtain information on the extent to which the food establishment has developed and implemented food safety management systems. The information in Part C is collected by making direct observations of food employee hand washing. No questions are asked in the completion of Section 3, Part C of the form.

FDA collects the following information associated with the establishment's identity: Establishment name, street address, city, state, ZIP code, county, industry segment, and facility type. The establishment identifying information is collected to ensure the data collections are not duplicative. Other information related to the nature of the operation, such as seating capacity and number of employees per shift, is also collected. Data will be consolidated and reported in a manner that does not reveal the identity of any establishment included in the study.

FDA has collaborated with the Food Protection and Defense Institute[1] to develop a web-based platform in FoodSHIELD to collect, store, and analyze data for the Retail Risk Factor Study. This platform is accessible to State, local, territorial, and tribal regulatory jurisdictions to collect data relevant to their own risk factor studies. For the 2015 to 2016 data collection, FDA piloted the use of hand-held technology for capturing the data onsite during the data collection visits. The tablets that were made available for the data collections were part of a broader Agency initiative focused on internal uses of hand-held technology. The tablets provided for the data collection presented several technical and logistical challenges and increased the time burden associated with the data collection as compared to the manual entry of data collections. FDA continues to assess the feasibility for fully incorporating use of hand-held technology in subsequent data collections during the 10-year study period.

When a data collector is assigned a specific establishment, he or she conducts the data collection and enters the information into the web-based data platform. The interface will support the manual entering of data, as well as the ability to directly enter information in the database via a web browser.

In the **Federal Register** of February 7, 2018 (83 FR 5441), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received two comments.

(Comment 1) National Association of County and City Health Officials (NACCHO) provided comments related to the following areas:

a. Supports FDA's efforts to reduce the occurrence of foodborne illness through the proposed study and activities on retail food safety.

b. Recommends that Assisted Living Facilities should be included in the facility types surveyed in the study.

c. Recommends that FDA interview food handlers at retail food facilities.

d. Strongly urges FDA to use weighted random sampling to select retail food facilities for the study and consider more factors for establishing sampling zones.

e. Recommends that FDA work with State and local health departments to obtain data needed.

(Response 1) FDA provides the following responses to the comments provided by NACCHO:

a. FDA thanks the submitter for supporting FDA's efforts to reduce the occurrence of foodborne illness through the proposed study and activities on retail food safety.

b. The information collection identifies assisted living facilities within the Long-Term Care category. The study protocol defines Long-Term Care Facilities as foodservice operations that prepare meals for residents in a group care living setting such as nursing homes and assisted living centers.

c. The study data collection protocol combines direct observations of procedures and practices and interaction with both the Person In Charge and front line food employees.

d. Sampling zones for this information collection contain approximately 59 percent of all healthcare establishments, 59 percent of all school establishments, and 61 percent of all retail food store establishments in the contiguous United States. The sample size of the information collections provides sufficient observations to be 95 percent confident that compliance percentages derived from the data collections are within 5 percent of their actual occurrence.

e. This type of research requires a standardized design and methodology to ensure that the occurrences of the foodborne illness risk factors are uniformly assessed. Retail Food Specialists are standardized by the Center for Food Safety and Applied Nutrition and have a strong working knowledge of retail food industry. State and local regulators are encouraged to accompany the data collectors during the data collection.

(Comment 2) Academy of Nutrition and Dietetics commented that they support the proposed information collection for survey on the occurrence of foodborne illness risk factors in various settings. The Academy provided comments pertaining to the following general areas of the study:

a. Question whether 90 minutes is adequate for surveying larger facilities.

b. Request FDA evaluate the impact of conducting surveys during non-peak hours of operation.

c. Suggest that the use of gloves is not adequately addressed in the survey.

d. Recommend adding a food allergy component.

e. Encourage continued efforts to simplify and standardize expiration dates. Related to institutional operations at the retail level, the Academy provided the following comments:

a. Seeks clarification related to health systems as to whether FDA will focus on the central facilities in hospital food service due to their higher potential reach, impact, and risk.

b. Seeks clarification whether the survey will be part of routine inspections or in addition to them and whether the information collections will be scheduled or unannounced.

c. Seeks clarification on how FDA will analyze the information collected and which data points will be tied to

[1] *https://foodprotection.umn.edu/.*

which outcomes. (Response 2) FDA thanks the submitter for their comment and appreciates their support. Regarding general areas of the study, FDA provides the following responses:

a. The current 10-year study estimates 90 minutes as the average time needed to adequately collect necessary information, taking into account both small and large facilities. This average time is consistent with the amount of time burden estimated for the previous data collection periods and provides a sufficient timeframe to observe food safety practices and procedures that are the focus of the study.

b. Based on the methodology of the study, the information collection is performed during hours of operation of the randomly selected facility. Data collections are scheduled at times that provide the best opportunity to observe food preparation activities.

c. Information collection related to handwashing and no bare hand contact with ready-to-eat foods, which may include use of gloves, is based on assessment of observations against the most current edition of the FDA Model Food Code. Provisions of the Food Code identify when handwashing and no bare hand contact with ready-to-eat food are required during food preparation and service. The current Food Code does not recognize the use of hand antiseptics in lieu of handwashing during food preparation and service.

d. The study is collecting information regarding the knowledge of the person in charge related to food allergens and training of food service employees on allergy awareness as it relates to their assigned duties in their facility.

e. The scope of this data collection focuses on foodborne illness risk factors and does not include assessment of expiration dates of manufactured foods as part of this research assessment. Related to institutional operations at the retail level, FDA provides the following responses:

a. The data collection protocol provides the definition of the hospital facility type that will be the focus of information collection. It is described as foodservice operations that provide for the nutritional needs of inpatients, by preparing meals and transporting them to the patient's room and/or serving meals in a cafeteria setting (meals in the cafeteria may also be served to hospital staff and visitors).

b. The data collections are unannounced and separate from any regulatory routine inspections. Industry's participation in the study is voluntary. This methodology allows for assessment of direct observations related to the foodborne illness risk factors during food preparation and service.

c. The study is designed to investigate data points focused on the relationship between food safety management systems, certified food protection managers, and the occurrence of risk factors and food safety behaviors/practices commonly associated with foodborne illness in the randomly selected facility.

Data items 1 through 10 are considered primary data items. Each of the primary data items has been placed under the appropriate FDA foodborne illness risk factor category that will be used as the key indicator for FDA's statistical analysis for the study:

- Risk Factor—Poor Personal Hygiene
  - (1) Employees practice proper handwashing
  - (2) Food Employees do not contact ready-to-eat foods with bare hands
- Contaminated Equipment/Protection from Contamination
  - (3) Food is protected from cross-contamination during storage, preparation, and display
  - (4) Food contact surfaces are properly cleaned and sanitized
- Improper Holding/Time and Temperature
  - (5) Foods requiring refrigeration are held at the proper temperature
  - (6) Foods displayed or stored hot are held at the proper temperature
  - (7) Foods are cooled properly
  - (8) Refrigerated, ready-to-eat foods are properly date marked and discarded within 7 days of preparation or opening
- Inadequate Cooking
  - (9) Raw animal foods are cooked to required temperatures
  - (10) Cooked foods are reheated to required temperatures

The burden for the 2019 to 2020 data collection is as follows. For each data collection, the respondents will include: (1) The person in charge of the selected facility (whether it be a healthcare facility, school, or supermarket/grocery store) and (2) the program director (or designated individual) of the respective regulatory authority. To provide the sufficient number of observations needed to conduct a statistically significant analysis of the data, FDA has determined that 400 data collections will be required in each of the three facility types. Therefore, the total number of responses will be 2,400 (400 data collections × 3 facility types × 2 respondents per data collection).

The burden associated with the completion of Sections 1 and 3 of the form is specific to the persons in charge of the selected facilities. It includes the time it will take the person in charge to accompany the data collector during the site visit and answer the data collector's questions. The burden related to the completion of Section 2 of the form is specific to the program directors (or designated individuals) of the respective regulatory authorities. It includes the time it will take to answer the data collectors' questions and is the same regardless of the facility type.

To calculate the estimate of the hours per response, FDA uses the average data collection duration for similar facility types during the FDA's 2008 Risk Factor Study plus an additional 30 minutes (0.5 hour) for the information related to Section 2 of the form. FDA estimates that it will take the persons in charge of healthcare facility types, schools, and retail food stores 150 minutes (2.5 hours), 120 minutes (2 hours), and 180 minutes (3 hours), respectively, to accompany the data collectors while they complete Sections 1 and 3 of the form. FDA estimates that it will take the program director (or designated individual) of the respective regulatory authority 30 minutes (0.5 hour) to answer the questions related to Section 2 of the form. This burden estimate is unchanged from the last data collection. Hence, the total burden estimate for a data collection in healthcare facility types is 180 minutes (150 + 30) (3 hours), in schools is 150 minutes (120 + 30) (2.5 hours), and retail food stores is 210 minutes (180 + 30) (3.5 hours).

Based on the number of entry refusals from the 2015 to 2016 baseline data collection, we estimate a refusal rate of 2 percent for the data collections within healthcare, school, and retail food store facility types. The estimate of the time per non-respondent is 5 minutes (0.08 hour) for the person in charge to listen to the purpose of the visit and provide a verbal refusal of entry.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Number of non-respondents	Number of responses per non-respondent	Total annual non-responses	Average burden per response	Total hours
2019–2020 Data Collection (Healthcare Facilities)—Completion of Sections 1 and 3.	400	1	400				2.5	1,000
2019–2020 Data Collection (Schools)—Completion of Sections 1 and 3.	400	1	400				2	800
2019–2020 Data Collection (Retail Food Stores)—Completion of Sections 1 and 3.	400	1	400				3	1,200
2019–2020 Data Collection-Completion of Section 2—All Facility Types.	1,200	1	1,200				0.5 (30 minutes)	600
2019–2020 Data Collection-Entry Refusals—All Facility Types.				24	1	24	0.08 (5 minutes)	1.92
Total								3,601.92

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden for this information collection has not changed since the last OMB approval.

II. References

The following references are on display in the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane Rm. 1061, Rockville, MD 20852, and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. ''Report of the FDA Retail Food Program Database of Foodborne Illness Risk Factors'' (2000). Available at: *https://wayback.archive-it.org/7993/20170406023019/https://www.fda.gov/downloads/Food/GuidanceRegulation/UCM123546.pdf.*

2. ''FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types'' (2004). Available at: *https://wayback.archive-it.org/7993/20170406023011/https://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodborneIllnessRiskFactorReduction/UCM423850.pdf.*

3. ''FDA Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types'' (2009). Available at: *https://wayback.archive-it.org/7993/20170406023004/https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodborneIllnessRiskFactorReduction/ucm224321.htm.*

4. FDA National Retail Food Team. ''FDA Trend Analysis Report on the Occurrence of Foodborne Illness Risk Factors in Selected Institutional Foodservice, Restaurant, and Retail Food Store Facility Types (1998–2008).'' Available at: *https://wayback.archive-it.org/7993/20170406022950/https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodborneIllnessRiskFactorReduction/ucm223293.htm.*

5. ''FDA Food Code.'' Available at:*https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/default.htm.*

Dated: July 24, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–16648 Filed 8–2–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Committee on Interdisciplinary, Community-Based Linkages

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL) has scheduled a public meeting. Information about ACICBL and the agenda for this meeting can be found on the ACICBL website at: *https://www.hrsa.gov/advisory-committees/interdisciplinary-community-linkages/index.html.*

DATES: August 16, 2018, 8:00 a.m.–2:00 p.m. ET.

ADDRESSES: This meeting will be held by teleconference and webinar.

- Webinar link: *https://hrsa.connectsolutions.com/acicbl.*
- Conference call-in number: 1–800–324–5531; Passcode: 388458.

FOR FURTHER INFORMATION CONTACT: Joan Weiss, Ph.D., RN, CRNP, FAAN, Senior Advisor and Designated Federal Official (DFO), at Division of Medicine and Dentistry, HRSA, 5600 Fishers Lane, Room 15N39, Rockville, Maryland 20857; 301–443–0430; or *jweiss@hrsa.gov.*

SUPPLEMENTARY INFORMATION: ACICBL provides advice and recommendations to the Secretary of HHS and to Congress on a broad range of issues relating to grant programs authorized by sections 750–760, Title VII, Part D of the Public Health Service Act. During the August 16, 2018, meeting, ACICBL members will discuss preparing the current and future healthcare workforce to practice in age-friendly health systems within the context of the quadruple aim. The quadruple aim focuses on enhancing the patient experience, improving population health, and reducing costs while improving the work life of health care providers, including clinicians and staff. ACICBL submits reports to the Secretary of HHS, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives. An agenda will be posted on the ACICBL website prior to the meeting. Agenda items are subject to change as priorities dictate.

Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to ACICBL should be sent to Dr. Joan Weiss, DFO, using the contact information above at least 3 business days prior to the meeting. Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Dr. Joan Weiss at the address and phone number

listed above at least 10 business days prior to the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–16671 Filed 8–2–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemosensory Systems.

Date: August 1, 2018.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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: July 30, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–16591 Filed 8–2–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–340: Collaborative Program Grant for Multidisciplinary Teams.

Date: August 6, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.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: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and Related Research.

Date: August 8, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.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: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: August 9, 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: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.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: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurotoxicology and Alcohol.

Date: August 9, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: M. Catherine Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7846, Bethesda, MD 20892, 301–435–1766, *bennettc3@csr.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: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and Related Research.

Date: August 13, 2018.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@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: July 30, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–16590 Filed 8–2–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the 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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: September 7, 2018.

Closed: 8:30 a.m. to 11:05 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Porter Neuroscience Research Center, Room 620/630, Building 35A Convent Drive, Bethesda, MD 20892.

Open: 11:05 a.m. to 1:45 p.m.

Agenda: Staff reports on divisional, programmatical, and special activities.

Place: National Institutes of Health Porter Neuroscience Research Center, Room 620/630, Building 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Craig A. Jordan, Ph.D., Director, Division of Extramural Activities, NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/Pages/Advisory-Groups-and-Review-Committees.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: July 30, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–16592 Filed 8–2–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4378–DR; Docket ID FEMA–2018–0001]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4378–DR), dated July 12, 2018, and related determinations.

DATED: The declaration was issued July 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 12, 2018, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms, flooding, landslides, and mudslides during the period of May 28 to June 3, 2018, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Steven S. Ward, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton Counties for Public Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–16670 Filed 8–2–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1836]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 1, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1836, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Gallatin County, Montana and Incorporated Areas **Project: 16–08–0886S Preliminary Date: November 28, 2016 and February 16, 2018**	
City of Bozeman	Stiff Professional Building, Engineering Department, 20 East Olive Street, 1st Floor, Bozeman, MT 59715.
Unincorporated Areas of Gallatin County	Gallatin County Courthouse, Planning Department, 311 West Main Street, Room 108, Bozeman, MT 59715.

Community	Community map repository address
Canadian County, Oklahoma and Incorporated Areas Project: 12–06–1030S Preliminary Date: February 8, 2018	
City of El Reno	Municipal Building, 101 North Choctaw Avenue, El Reno, OK 73036.
Aransas County, Texas and Incorporated Areas Project: 15–06–0811S Preliminary Date: March 16, 2018	
City of Aransas Pass	City Hall, 600 West Cleveland Boulevard, Aransas Pass, TX 78336.
San Patricio County, Texas and Incorporated Areas Project: 15–06–0811S Preliminary Date: March 16, 2018	
City of Aransas Pass	City Hall, 600 West Cleveland Boulevard, Aransas Pass, TX 78336.

[FR Doc. 2018–16666 Filed 8–2–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4366–DR; Docket ID FEMA–2018–0001]

Hawaii; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Hawaii (FEMA–4366–DR), dated May 11, 2018, and related determinations.

DATES: The amendment was issued on July 13, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Willie G. Nunn as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–16668 Filed 8–2–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4377–DR; Docket ID FEMA–2018–0001]

Texas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4377–DR), dated July 6, 2018, and related determinations.

DATES: This amendment was issued July 19, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 13, 2018.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–16667 Filed 8–2–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7005–N–12]

60-Day Notice of Proposed Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 2, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to:

Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Shawn R. Jones, Director, Office of Evaluation, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Shawn R. Jones, at *Shawn.R.Jones@hud.gov* or telephone (202) 402–6914. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Jones.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Home Mortgage Disclosure Act (HMDA) Loan/Application Register.

OMB Approval Number: 2502–0539.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired. (OMB Expiration Date: July 31, 2018).

Form Number: FR HUMDA–LAR.

Description of the need for the information and proposed use: The HMDA Loan/Application Register collects information from mortgage lenders on application for, and originations and purchases of, mortgage and home improvement loans. Non-depository mortgage lending institutions are required to use the information generated as a running log throughout the calendar year, and send the information to HUD by March 1 of the following calendar year.

Respondents (*i.e.* affected public): Business and Other for profit.

Estimated Number of Respondents: 891.

Estimated Number of Responses: 999.

Frequency of Response: Quarterly/Annually.

Average Hours per Response: 1,732.

Total Estimated Burden Hours: 1,730,211.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35

Dated: July 25, 2018.

Vance Morris,

Special Assistant to the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

[FR Doc. 2018–16661 Filed 8–2–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7006–N–10]

60-Day Notice of Proposed Information Collection: HOPE VI Implementation and HOPE VI Main Street Programs: Funding and Program Data Collection

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 2, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HOPE VI Implementation and HOPE VI Main Street Programs.

OMB Approval Number: 2577–0208.

Type of Request: Reinstatement, with change, of a previously approved collection.

Form Numbers: HUD–52825–A, HUD–52861, and HUD–53001–A.

Description of the need for the information and proposed use: Section 24 of the U.S. Housing Act of 1937, as added by section 535 of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, 112 Stat. 2461, approved October 21, 1998) and revised by the HOPE VI Program Reauthorization and Small Community Main Street Rejuvenation and Housing Act of 2003 (Pub. L. 108–186, 117 Stat. 2685, approved December 16, 2003), established the HOPE VI program for the purpose of making assistance available on a competitive basis to public housing agencies (PHAs) in improving the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of

severely distressed public housing projects (or portions thereof); and, beginning in Fiscal Year 2004, in rejuvenating the traditional or historic downtown areas of smaller units of local government. Funds were appropriated for competitive HOPE VI Implementation Notices of Funding Availability (NOFAs) through Fiscal Year 2011. Currently, there are approximately 55 HOPE VI Implementation grants that remain active and must be monitored by HUD. HUD publishes competitive bi-annual NOFAs for the HOPE VI Main Street program and monitors grants that have been awarded through those NOFAs.

These information collections are required in connection with the monitoring of the remaining active HOPE VI Implementation grants and the bi-annual publication on *http://www.grants.gov* of HOPE VI Main Street NOFAs, contingent upon available funding and authorization, which announce the availability of funds provided in annual appropriations for Section 24 of the Housing Act of 1937, as amended.

Eligible units of local government interested in obtaining HOPE VI Main Street grants are required to submit applications to HUD, as explained in each NOFA. The information collection conducted in the applications enables HUD to conduct a comprehensive, merit-based selection process in order to identify and select the applications to receive funding. With the use of HUD-prescribed forms, the information collection provides HUD with sufficient information to approve or disapprove applications.

Applicants that are awarded HOPE VI Implementation grants are required to report on a quarterly basis on the sources and uses of all amounts expended for Implementation grant revitalization activities. HOPE VI Implementation grantees use a fully-automated, internet-based process for the submission of quarterly reporting information. HUD reviews and evaluates the collected information and uses it as a primary tool with which to monitor the status of HOPE VI projects and the HOPE VI programs.

Respondents (i.e. affected public): Public Housing Agencies and units of local governments.

Collection	Respondents	Frequency per annum	Responses per annum	Burden per response	Burden per annum	Hourly cost per response	Annual cost
HOPE VI Main Street Application							
Main Street NOFA Narrative Exhibits	5	0.5	2.5	80	200	$57	$11,400.00
Main Street NOFA 52861 Application Data Sheet	5	0.5	2.5	15	38	57	2,137.50
Main Street NOFA Project Area Map	5	0.5	2.5	1	3	57	142.50
Main Street NOFA Program Schedule	5	0.5	2.5	4	10	57	570.00
Main Street NOFA Photographs of site	5	0.5	2.5	5	13	57	712.50
Main Street NOFA Five-year Pro-forma	5	0.5	2.5	5	13	57	712.50
Main Street NOFA Site Plan and Unit Layout	5	0.5	2.5	10	25	57	1,425.00
Subtotal	5		17.5		300		17,100.00
Non-NOFA Collections:							
On-line Quarterly Reporting	55	4	220	16	3,520	57	200,640.00
52825–A HOPE VI Budget updates	40	1	75	2	150	57	8,550.00
53001–A Actual HOPE VI Cost Certificate	20	1	20	0.5	10	57	570.00
Subtotal	115		315		3,680		209,760.00
Total Burden			332.5		3,980		226,860.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

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

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: July 26, 2018.

Merrie Nichols-Dixon,

Director, Office of Policy, Program and Legislative Initiatives.

[FR Doc. 2018–16656 Filed 8–2–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2018–N093; FXES11130600000–189–FF01E00000]

Endangered Species; Receipt of Recovery Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of a permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application for a permit to conduct activities intended to enhance the propagation or survival of an endangered species under the Endangered Species Act of 1973, as amended. We invite the public and local, State, Tribal, and Federal agencies

to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

DATES: We must receive your written comments on or before September 4, 2018.

ADDRESSES: *Document availability and comment submission:* Submit requests for a copy of the application and related documents and submit any comments by one of the following methods. All requests and comments should specify the applicant name and application number (*i.e.,* Greg Fitzpatrick, TE–08913A–2):

- *Email: permitsR1ES@fws.gov.*
- *U.S. Mail:* Marilet Zablan, Program Manager, Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Recovery Permit Coordinator, Ecological Services, (503) 231–6131 (phone); *permitsR1ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on an application for a permit under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permit would allow the applicant to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Application Available for Review and Comment

Proposed activities in the following permit request are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing this permit. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to this application. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant, city, state	Species	Location	Take activity	Permit action
TE–08913A–2	Greg Fitzpatrick, Fitzpatrick Ecological Consulting, Corvallis, OR.	Fender's blue butterfly (*Icaricia icarioides fenderi*).	OR	Capture, handle, identify, mark, temporarily hold and translocate, and release.	Renew.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. 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 request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Next Steps

If we decide to issue a permit to the applicant listed in this notice, we will publish a notice in the **Federal Register**.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Rachel Merkel,

Acting Deputy Assistant Regional Director—Ecological Services, Pacific Region.

[FR Doc. 2018–16625 Filed 8–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2018–N071; FXES11130200000–189–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Draft Revised Recovery Plan for Texas Snowbells

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of our draft revised recovery plan for Texas snowbells, listed as endangered under the Endangered Species Act. Texas snowbells is a rare, endemic shrub of the Edwards Plateau, and is found in Real, Edwards, and Val Verde Counties, Texas. We provide this notice to seek comments from the public and Federal, Tribal, State, and local governments.

DATES: To ensure consideration, we must receive written comments on or before October 2, 2018. However, we will accept information about any species at any time.

ADDRESSES: *Reviewing document:* You may obtain a copy of the draft revised recovery plan by any one of the following methods:

Internet: Download the file at *http://www.fws.gov/southwest/es/AustinTexas/ESA_Species_news.html.*

U.S. mail: Send a request to U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758; or

Telephone: 512–490–0057.

Submitting comments: Submit your comments in writing by any one of the following methods:

- *U.S. mail:* Project Leader, at the above Austin Ecological Services Field Office address;
- *Hand-delivery:* Project Leader, at the above Austin Ecological Services Field Office address;
- *Fax:* 512–490–0974; or
- *Email: chris_best@fws.gov.*

For additional information about submitting comments, see Request for Public Comments and Public Availability of Comments under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Adam Zerrenner, Field Supervisor, at the above address and phone number, or by email at *adam_zerrenner@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft revised recovery plan for Texas snowbells (*Styrax platanifolius* ssp. *texanus;* formerly *Styrax texanus*), listed as endangered under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Texas snowbells is a rare, endemic shrub of the Edwards Plateau, and is found in Real, Edwards, and Val Verde Counties, Texas. The draft revised recovery plan includes specific recovery objectives and criteria that, when achieved, will enable us to remove Texas snowbells from the list of endangered and threatened plants. We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new information on the status of Texas snowbells throughout its range to assist in finalizing the recovery plan.

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the ESA. Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the ESA. The ESA requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. The Service approved a recovery plan for Texas snowbells in 1987; however, the original plan did not establish criteria for reclassifying Texas snowbells from an endangered to threatened status (downlisting) or for removal from the endangered species list (delisting) (Service 1987). Therefore, this plan will serve as a revision to the 1987 recovery plan for Texas snowbells.

We utilized a streamlined approach to recovery planning and implementation by first conducting a species status assessment (SSA) of Texas snowbells (Service 2017), which is a comprehensive analysis of the taxon's needs, current condition, threats, and future viability. The information in the SSA report provides the biological background, a threats assessment, and a basis for a strategy for recovery of Texas snowbells. We then used this information to prepare an abbreviated draft revised recovery plan for Texas snowbells that includes prioritized recovery actions, downlisting and delisting criteria, and the estimated time and cost to recovery. A separate recovery implementation strategy has also been prepared and includes the specific tasks necessary to implement recovery actions (Service 2018).

Summary of Subspecies Information

Texas snowbells is a rare, endemic shrub of the Edwards Plateau of Texas. We listed it as an endangered species, *Styrax texanus,* on October 12, 1984 (49 FR 40036). We currently recognize this plant as *S. platanifolius* ssp. *texanus,* one of five closely related subspecies described in the most recent taxonomic treatment (Fritsch 1997).

When listed as endangered, only 25 individuals had been documented in 5 locations. Since 1986, field surveyors have documented 400 mature and 452 immature Texas snowbells plants in 22 naturally occurring sites over a range of 121 km (75 mi) east to west and 35 km (22 mi) north to south in Real, Edwards, and Val Verde Counties. The known populations occur along watercourses, on or near steep slopes, in exposed limestone and gravel of the upper reaches of the Nueces, West Nueces, and Devils River watersheds. We estimate that about 15,043 ha (37,172 ac) of potential habitat exists in these watersheds.

Texas snowbells usually flowers in April and fertilization is believed to require out-crossing (transfer of pollen between individuals that are not too closely related). The subspecies' pollinators include bumble bees (*Bombus* sp.), carpenter bees (*Xylocopa* sp.), and honey bees (*Apis* sp.). Texas snowbells seed production depends on the grouping of genetically diverse individuals within their pollinators' forage ranges of 0.5 to 1.0 km (0.3 to 0.6 mi). Almost all documented reproduction of Texas snowbells in the wild occurs where at least 56 mature individuals are distributed over a distance of 1.6 km (1.0 mi) or less. For this reason, small population sizes, the isolation of populations, and low levels of genetic diversity are significant factors affecting the viability of the subspecies, viability being defined as the likelihood of persistence over the long term. Other factors affecting the viability of Texas snowbells include severe browsing by native white-tailed deer (*Cervus elaphus*) and introduced ungulate species, severe floods, and endemism to a small geographic and habitat range. In addition to the above stressors, drought attributed to climate changes and pollinator deficiency are also projected to affect the future viability of Texas snowbells. A large portion of known individuals and populations occurs on privately owned lands where there is no protection under the ESA unless there is a Federal nexus. Activities impacting plants on private lands without Federal involvement are not regulated under the ESA. So, without a Federal nexus, conservation on private lands is entirely voluntary and thus more challenging.

Texas snowbells is endemic to a small geographic area and has a low level of genetic diversity, and therefore has low representation (ability to adapt to environmental changes and to colonize new sites). Since there are few populations, redundancy (the number and geographic distribution of populations or sites necessary to endure catastrophic events) is also low. In addition, population resilience (ability to endure stochastic environmental variation) is low because all known populations are far below the estimated minimum viable population level. In synthesis, the current viability of Texas snowbells is low. For a detailed discussion of the subspecies' natural history, current status, and future viability, please refer to the SSA report for Texas snowbells (Service 2017).

Recovery Plan Goals

The objective of a recovery plan is to provide a framework for the recovery of a species so that protection under the ESA is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to reclassify the species to threatened status or remove it from the lists of endangered and threatened wildlife and plants. Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures.

The original Texas snowbells recovery plan (Service 1987) did not establish delisting or downlisting criteria. The

core conservation strategy of the revised plan is to increase recruitment and decrease mortality, thereby allowing populations of Texas snowbells to grow naturally. One recovery objective is to reduce the intensity of ungulate browsing throughout the subspecies' range, allowing populations to become self-sustaining without human intervention. Another recovery objective is population augmentation and strategic placement of reintroduced populations to restore population connectivity, thereby enhancing gene flow and fertilization between genetically diverse individuals and populations. To date, cooperating landowners and volunteers have made significant progress toward accomplishing these objectives.

The downlisting and delisting criteria provided in the revised recovery plan are based on the natural recruitment of new Texas snowbells individuals, their growth to maturity, and the increase of populations to a viable level that is sustained without human intervention. The time required to improve the viability of Texas snowbells is influenced largely by its life history.

Request for Public Comments

Section 4(f) of the ESA requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). In an appendix to the approved recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species, ongoing beneficial management efforts, and the costs associated with implementing the recommended recovery actions.

Public Availability of Comments

All comments received, including names and addresses, will become part of the administrative record and will be available to the public. Before including your address, phone number, electronic mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—will be publicly available. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

Authority

We developed our draft recovery plan and publish this notice under the authority of section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 24, 2018.

Amy L. Lueders,

Regional Director, Southwest Region.

[FR Doc. 2018–16655 Filed 8–2–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDB00100 L17110000.PH0000 LXSS024D0000 45001222254]

Notice of Public Meeting, Boise District Resource Advisory Council, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Boise District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Boise District RAC will meet September 13, 2018. The meeting will begin at 8:00 a.m. and end at 4:00 p.m. The public comment period will take place from 8:00 a.m. to 8:30 a.m.

ADDRESSES: The Boise District RAC will meet at the BLM Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Michael Williamson, BLM Boise District, Idaho, 3948 Development Avenue, Boise, Idaho 83705, 208–384–3393, email *mwilliamson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Mr. Williamson by calling the Federal Relay Service (FRS) at (800) 877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Williamson. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Idaho. During the September 13, 2018 meeting, the Boise District RAC will have a briefing on the Boise District's wild horse program, Tri-State fuel breaks project, travel management planning, and other Field Office updates. Additional topics may be added and will be included in local media announcements.

RAC meetings are open to the public. The public may present written comments to the Council at the address provided above. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2

Lara Douglas,

District Manager.

[FR Doc. 2018–16589 Filed 8–2–18; 8:45 am]

BILLING CODE 4310–AK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP02000 L16100000.DP0000 18XL1109AF]

Notice of Availability of the Draft Resource Management Plan and Draft Environmental Impact Statement for the BLM Carlsbad Field Office, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS) for the Carlsbad Field Office, and by this Notice is announcing the opening of the comment period.

DATES: To ensure that comments are considered, the BLM must receive written comments on the Draft RMP/Draft EIS within 90 days following the date the Environmental Protection Agency publishes its Notice of Availability of the Draft RMP/Draft EIS in the **Federal Register**. The BLM will announce future meetings or hearings, and any other public participation activities, at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Draft RMP/Draft EIS for the Carlsbad Field Office by any of the following methods:

- *Project Website (ePlanning): https://www.blm.gov/programs/planning-and-nepa/plans-in-development/new-mexico/carlsbad-rmp.*
- *Email: blm_nm_cfo_rmp@blm.gov.*
- *Fax:* 575–234–5927, Attn.: Carlsbad RMP Team Lead.
- *Mail:* 620 East Greene Street, Carlsbad, NM 88220, Attn.: Carlsbad RMP Team Lead.

Copies of the Carlsbad Draft RMP/Draft EIS are available in the Carlsbad Field Office at the above address; the New Mexico State Office at 301 Dinosaur Trail, Santa Fe, NM 87508; the Pecos District Office at 2909 West Second Street, Roswell, NM 88201; and the Hobbs Field Station at 414 West Taylor, Hobbs, NM 88240. An electronic copy is available for download at the project website provided above.

FOR FURTHER INFORMATION CONTACT: For further information contact Hector Gonzalez, RMP Team Lead; telephone 575–234–5968; address 620 East Greene Street, Carlsbad, NM 88220; email *hrgonzalez@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: In the Carlsbad Draft RMP/Draft EIS, the BLM analyzes the environmental consequences of five alternatives under consideration for managing approximately 2.1 million acres of surface estate and close to 3.0 million acres of subsurface mineral estate. These lands, administered by the BLM Carlsbad Field Office, are located within Eddy, Lea, and a portion of Chaves counties in southeast New Mexico. The Carlsbad planning area includes the Carlsbad Caverns National Park, Brantley Lake State Park, Living Desert Zoo and Gardens State Park, and part of the Lincoln National Forest.

This land use plan would replace the current Carlsbad RMP, which the BLM approved in 1988 and amended in 1997 and 2008. A revision to the 1988 RMP is necessary because a number of changes have occurred in the Carlsbad planning area since its publication. New resource issues have emerged, new resource data are available for consideration, and new policies, guidelines, and laws have been established. The changes are in part due to continuing fluid and solid mineral extraction (oil, gas, and potash) in the area and the use of new technologies to extract those resources. Concurrent extraction of both fluid and solid mineral reserves presents a management challenge not fully addressed in the 1988 RMP and its Amendments.

There is also a need to update the RMP to address several interrelated issues and management concerns, including renewable energy, recreation, special status species, visual resources, and wildlife habitat. The BLM also considers special designations, such as Areas of Critical Environmental Concern (ACEC) to address concerns in sensitive resource areas.

There are opportunities to update recreation decisions in the plan revision to respond to community interests and needs, as well as complement surrounding tourism destinations. Most of the lands administered by the Carlsbad Field Office are currently designated as open to cross-country motorized vehicle use. This designation will be re-examined to consider a better balance of resource conservation with travel management needs. The BLM has updated visual resource inventories and will update visual resource management (VRM) designations to address renewable energy demand, as well as other potential uses in the planning area. The BLM will consider future renewable energy sites and interconnecting rights-of-way (ROW) in the RMP.

The five alternatives analyzed in detail in the Draft RMP/EIS are as follows:

- *No Action Alternative:* A continuation of existing management under the current 1988 Carlsbad RMP, as amended;
- *Alternative A:* Focuses on watershed management and restoration-related planning issues;
- *Alternative B:* Focuses on resource use conflicts related to leasable mineral development, recreation, and watershed management through geographic separation of uses;
- *Alternative C (the BLM's Preferred Alternative):* Focuses on multiple use by managing resource conflict, rather than geographic separation of uses, focused use, or preservation areas; and
- *Alternative D:* Focuses on leasable mineral development, lands and realty, and recreation issues.

Among the special designations under consideration within the range of alternatives, the BLM proposes and evaluates ACECs to protect certain resource values, preserving access to mineral resources and other uses where appropriate. Pertinent information regarding these ACECs, including proposed designation acreages, resource use limitations if designated, and their respective alternatives are summarized below. Each alternative considers a combination of resource use limitations for each ACEC. Five ACECs exist in the No Action Alternative; nine are proposed for designation in Alternative A; 15 are proposed for designation in Alternative B; seven are proposed for designation in Alternative C; and five are proposed for designation in Alternative D. A more detailed summary of the proposed ACECs, by alternative, is available at the project website provided above. Pursuant to 43 CFR 1610.7–2(b), the BLM is required to specify all proposed ACEC resource use limitations, which would occur if formally designated. The alternative where each ACEC is considered, as well as the largest size and most restrictive limitations under consideration for each potential ACEC within the range of alternatives are as follows:

• *Blue Springs Riparian Habitat ACEC:* The 1988 RMP, as amended, designated this 160-acre ACEC to protect the grasslands immediately adjacent to Blue Springs, which provides habitat for the only known remaining population of the Pecos Gambusia fish in New Mexico. This ACEC is open to fluid mineral leasing subject to major constraints (such as no surface occupancy stipulations). Under each action alternative, the BLM would remove the ACEC designation, but would continue to manage the area as open to fluid mineral leasing, subject to major constraints. Additional proposed resource use limitations include closing the area to salable mineral development, recommending the area for withdrawal from locatable mineral entry, closing the area to geothermal development, excluding the area from wind and solar development and ROWs, and designating off-highway vehicle (OHV) limited areas.

• *Lonesome Ridge ACEC:* The 1988 RMP, as amended, designated this 2,990-acre ACEC to protect values associated with scenery, fish and wildlife resources, and natural system processes. This ACEC is closed to fluid mineral leasing. Under each action alternative, this ACEC designation would be carried forward, and the area would continue to be closed to fluid mineral leasing. Additional proposed management prescriptions include: Closing areas to salable mineral development; recommending the area for withdrawal from locatable mineral entry; closing the area to OHV use; managing the entire ACEC as VRM Class I under Alternatives A, C, and D, while managing most of the ACEC as VRM Class I and a small portion of the ACEC as VRM Class II under Alternative B; excluding the area from ROW authorization; and making the area available for grazing.

• *Pecos River/Canyons Complex ACEC:* The 1988 RMP, as amended, designated this 5,190-acre ACEC to protect scenic and natural system values. This ACEC is open to fluid mineral leasing subject to major constraints. For Alternatives A, B, and C, 4,115 acres would continue to be managed as an ACEC to protect scenic and natural system values with management prescriptions that would include: Opening the area to mineral leasing with major constraints; closing the area to salable mineral development; recommending the area for withdrawal from locatable mineral entry; not allowing surface occupancy in 100-year floodplains; designated OHV limited areas; excluding the area from wind and solar development, and closing the area to geothermal development; making the majority of the ACEC available for grazing; excluding the area from ROW authorization; and managing the ACEC as VRM Class II (Alternatives A and B), with some portions managed as VRM Class III under Alternative C. Alternative D would not designate 4,115 acres as an ACEC. Under Alternative D, this area would be open to fluid mineral leasing, subject to standard terms except for a small portion that would be open subject to major constraints due to visual resource concerns along the Pecos River Corridor. Additional management prescriptions would include: Opening most of the area to salable mineral development, except a small portion that would be closed; recommending a small portion of the area for withdrawal from locatable mineral entry; managing most of the area as open to geothermal, solar, and wind energy development, but excluding solar and wind and closing geothermal energy development in a portion of the area; managing the area as either VRM Class II or III; designating OHV limited areas; making the entire area available for grazing; and excluding some areas from ROW authorization.

• *Cave Resources ACEC:* The 1988 RMP, as amended, identified nineteen caves within nine cave management units totaling approximately 19,000 acres to be managed as a special management area. By cave management unit, the current fluid mineral leasing allocations vary between closed and open subject to major constraints. Under all action alternatives, the BLM proposes to designate these nine units as one collective Cave Resources ACEC to protect historic, cultural, wildlife resources, natural system or process, and natural hazard values. For all action alternatives, fluid mineral leasing allocations would vary (by cave management unit) between closed and open to leasing subject to major constraints. Additional management prescriptions would include: Closing the area to salable mineral development under Alternatives A, B and C; opening a small portion of the area to salable mineral development subject to special terms and conditions under Alternative D; recommending for withdrawal from locatable mineral entry under Alternatives A, B and C; opening a small portion of the area to locatable mineral entry under Alternative D; excluding the area from wind and solar development; closing the area to geothermal development; designating OHV limited areas in most of the ACEC and closing a small portion of the area; managing the area as either VRM Class I, II, or III; making grazing unavailable in a portion of the ACEC under Alternatives A and B; making the entire ACEC available for grazing under Alternatives C and D; excluding the ACEC from ROW authorization under Alternatives A, B and C; excluding most of the ACEC from ROW authorization, and avoiding a small portion under Alternative D.

• *Birds of Prey Grasslands ACEC:* Currently, there is no ACEC designation for the area, nor is the area identified as a special management area. Most of this area is open to fluid mineral leasing either subject to moderate constraints (*e.g.,* controlled surface use) or standard terms and conditions. A small portion of the area is closed to fluid mineral leasing. Alternatives A and B would designate 349,355 acres as an ACEC to protect wildlife resources. Under Alternatives A and B, this ACEC would be closed to fluid mineral leasing. Additional proposed management prescriptions would include: Opening most of the area to salable mineral development with special terms and conditions, and closing a portion of the ACEC to salable mineral development; recommending a small portion of the ACEC for withdrawal from locatable mineral entry; closing areas to geothermal energy development and excluding areas from solar and wind energy development; managing the area as either VRM Class II, III, or IV; making some areas available for grazing under Alternative B, or making the entire area unavailable to grazing under Alternative A; and excluding the ACEC from ROW authorization.

Alternatives C and D would not designate 349,355 acres as an ACEC. Under Alternatives C and D, the area would be open to fluid mineral leasing either subject to moderate constraints (*e.g.,* controlled surface use) or standard terms and conditions. Additional proposed management prescriptions would include: Opening most areas to salable mineral development with some portions open subject to special terms and conditions; opening the area to locatable mineral entry; excluding or closing most of the area for renewable energy development; managing some areas as variance areas for solar energy development, while excluding solar energy development from some areas; designating areas as either open to, avoidance of, or excluded from wind energy development; managing the area as either VRM Class III or IV; designating OHV limited areas; making most of the area available to grazing; and designating the area as either open to, or avoidance of ROW authorization.

• *Boot Hill District ACEC:* Currently, approximately 265 acres are identified

as the Poco Site Cultural Resource Management Area. This area is open to fluid mineral leasing, subject to major constraints. Alternative B would designate 1,065 acres as an ACEC to protect cultural resource values and natural systems or processes, whereas, Alternatives A, C, and D would not designate the area as an ACEC. Management prescriptions for all alternatives would include: Opening the area to fluid mineral leasing with major constraints under Alternatives A, C, and D, while closing the entire area to fluid mineral leasing under Alternative B; closing the area to salable mineral development; recommending withdrawal from locatable mineral entry; managing the area as VRM Class IV; designating OHV limited areas; restricting fire suppression; closing the area to geothermal development, and excluding the area from solar and wind energy development; making the entire area available for grazing; and excluding the area from ROW authorization.

• *Carlsbad Chihuahuan Desert Rivers ACEC:* Within the area nominated for the Carlsbad Chihuahuan Desert Rivers ACEC, there are two existing designations: The Chosa Draw ACEC (2,820 acres) and the Yeso Hills Research Natural Area (557 acres). Additionally, portions of the nominated area are identified as special management areas in the 1988 RMP, as amended. The fluid mineral leasing allocations vary between open with standard terms and conditions, open with major constraints, and closed depending on cave/karst, riparian, and other resource values present. Alternative A would designate approximately 108,470 acres as an ACEC to protect values associated with cultural, wildlife, scenic, and historic resources, as well as natural hazards and natural systems or processes. Under Alternative A, the fluid mineral leasing allocations vary between open with standard terms and conditions, open with major constraints, and closed, depending on cave/karst, riparian, and other resource values present. Relative to the No Action Alternative, Alternative A would manage a larger portion of the area as closed. Additional management prescriptions would include: Opening the area to salable mineral development and closing portions of the area to salable mineral development; recommending part of the area for withdrawal from locatable mineral entry; designating some areas as open for wind, geothermal, and solar energy development; designating some areas as excluded from solar and wind energy development, and closed to geothermal energy development; managing the area as either VRM Class II, III, or IV; making the area unavailable for grazing; designating OHV limited areas and closing a small portion; and excluding some areas from ROW authorization. Alternatives B, C, and D would not designate the area as an ACEC. Under Alternatives B, C, and D, the majority of the acreage would be open to fluid mineral leasing subject to standard terms and conditions; the remaining acreage varies between open to fluid mineral leasing subject to moderate constraints, open to fluid mineral leasing subject to major constraints, and closed to fluid mineral leasing. Additional management prescriptions would include: Opening most of the areas to salable mineral development with some areas open subject to special terms and conditions; closing part of the area to salable mineral development; recommending withdrawal of a portion of the area from locatable mineral entry; opening or closing portions of the area to geothermal energy development; opening, avoiding, or excluding parts of the area from wind energy development; excluding parts of the area from solar energy development, or allowing solar development under variances; managing as either VRM Class II, III, or IV; designating OHV limited areas and closing other areas to OHV use; making some areas available for grazing and making other areas unavailable for grazing; and designating areas as either open to, avoidance of, or excluded from ROW authorization.

• *Desert Heronries ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 27,000 acres as a special management area. This area is open to fluid mineral leasing, subject to moderate constraints.

Alternative B would designate approximately 48,708 acres as an ACEC to protect fish or wildlife resource and habitat values. Under Alternative B, the majority of the acreage would be open to fluid mineral leasing subject to standard terms and conditions; the remaining acreage would be open to fluid mineral leasing subject to moderate constraints or major constraints. Additional proposed management prescriptions would include: Opening most of the area to salable mineral development and a small portion open subject to special terms and conditions; closing other areas to salable mineral development; recommending parts of the ACEC for withdrawal from locatable mineral entry; designating some parts of the ACEC as open for geothermal and wind energy development; excluding some parts of the ACEC from solar and wind energy development; designating other portions as variance areas for solar energy development; closing parts of the ACEC to geothermal energy development; avoiding wind energy development in parts of the ACEC; managing the area as either VRM Class II or IV; designating OHV limited areas and closing a small portion of the area to OHV use; making the entire area unavailable for grazing; and designating portions of the ACEC as either open to, avoidance of, or excluded from ROW authorization. Alternatives A, C, and D would not designate 48,708 acres as an ACEC. Specific management prescriptions would include: Opening the area to fluid mineral leasing with either standard terms, moderate constraints, or major constraints, and closing some areas to mineral leasing under Alternative A; opening most of the area to salable mineral development, while opening some areas subject to special terms and conditions and closing other areas; recommending areas for withdrawal from locatable mineral entry; designating some areas as open to geothermal and wind energy development; excluding some areas from solar energy development; excluding or avoiding some areas from wind energy development; managing some portions as variance areas for solar energy development; closing some areas to geothermal energy development; managing the area as either VRM Class III or IV; designating OHV limited areas and closing a small portion of the area to OHV use; making most of the area available for grazing while making some areas unavailable for grazing; and designating areas as either open to, avoidance of, or excluded from, ROW authorization.

• *Gypsum Soils ACEC:* Within the area nominated for the Gypsum Soils ACEC, there are two existing designations: The Chosa Draw ACEC (2,820 acres) and the Yeso Hills Research Natural Area (557 acres). Additionally, portions of the nominated area are identified as special management areas in the 1988 RMP, as amended. Currently, the nominated area is primarily open to fluid mineral leasing subject to standard terms and conditions; however, portions of the nominated area are open to leasing with major constraints, or are closed to fluid mineral leasing due to cave/karst, riparian and other resource values present. Alternatives B and C would designate approximately 65,555 acres as an ACEC to protect values associated with cultural, fish and wildlife, historic,

and scenic resources, as well as natural system or processes and natural hazards. Under Alternatives B and C, the ACEC would primarily be open to fluid mineral leasing, subject to standard terms and conditions; however, portions of these alternatives would be open to leasing with major or moderate constraints or would be closed to fluid mineral leasing. Alternatives A and D would not designate the area as an ACEC. Under Alternatives A and D, the ACEC would primarily be open to fluid mineral leasing subject to standard terms and conditions; however, portions of these alternatives would open the area to fluid mineral leasing subject to moderate or major constraints or would be closed to fluid mineral leasing. Additional proposed management prescriptions would include: Opening some areas to salable mineral development with or without special terms and conditions; closing some areas to salable mineral development; recommending parts of the area for withdrawal from locatable mineral entry; designating some areas as open for geothermal, solar, and wind energy development; designating other areas as excluded from solar and wind energy development; managing portions as variance areas for solar energy development and avoidance areas for wind energy development; closing some areas to geothermal energy development; managing the area as either VRM Class II, III, or IV; designating OHV limited areas and closing a small portion of the area to OHV use; making some areas available for grazing while making some areas unavailable for grazing; and designating areas as either open to or excluded from ROW authorization under Alternative A, while designating areas as either open to, avoidance of, or excluded from ROW authorization under Alternatives B, C, and D.

• *Laguna Plata ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 3,360 acres as a special management area. Currently, this area is open to fluid mineral leasing subject to major constraints. Alternatives A and B would designate 4,496 acres as an ACEC to protect cultural, fish and wildlife resources. Under Alternatives A and B, the ACEC would primarily be open to fluid mineral leasing subject to major constraints; however, a portion of the ACEC would be closed to fluid mineral leasing, and a portion of the ACEC would be open to fluid mineral leasing subject to moderate constraints under Alternative A. Alternatives C and D would not designate the area as an ACEC. Under Alternatives C and D, the ACEC would be open to fluid mineral leasing subject to major constraints. Additional proposed management prescriptions to all alternatives would include: Closing the area to salable mineral development; recommending the area for withdrawal from locatable mineral entry; closing the area to geothermal energy development; excluding the area from solar and wind energy development; managing the area as VRM Class III; designating OHV limited areas; making the area available for grazing under Alternatives A, C, and D; making the area unavailable for grazing under Alternative B; and designating the area as excluded from ROW authorization.

• *Maroon Cliffs ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 8,700 acres as a special management area. This area is open to fluid mineral leasing subject to major constraints. Alternative B would designate 8,700 acres as an ACEC to protect cultural resource values. Alternatives A, C, and D would not designate the area as an ACEC. Under all alternatives, including the No Action Alternative, this ACEC would be open to fluid mineral leasing subject to major constraints. Additional proposed management prescriptions would include: Closing the area to salable mineral development; recommending the area for withdrawal from locatable mineral entry; excluding the area from solar and wind energy development; closing the area to geothermal energy development; designating OHV limited areas; managing the area as VRM Class III for Alternatives A, C, and D; managing the area as VRM Class II for Alternative B; making most of the area available for grazing under Alternative A, and closing a small portion to grazing; making the entire area available for grazing under Alternatives C and D; making the entire area unavailable for grazing under Alternative B; and excluding the area from ROW authorization.

• *Pecos Bluntnose Shiner Habitat ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 200 acres as a special management area. This area is open to fluid mineral leasing subject to major constraints. Alternatives A, B, C, and D would designate 200 acres as an ACEC to protect fish and wildlife resource values. Under Alternatives A and B, this area would be closed to fluid mineral leasing. Under Alternatives C and D, this area would be open to fluid mineral leasing subject to major constraints. Additional proposed management prescriptions include: Closing the area to salable mineral development; recommending withdrawal from locatable mineral entry; closing or excluding the area from all renewable energy development in all alternatives; managing the area as VRM Class II; designating OHV limited areas; making the area unavailable for grazing; and designating the area as excluded from ROW authorization.

• *Pope's Well ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 80 acres as a special management area. This area is open to fluid mineral leasing, subject to major constraints. Alternative B would designate approximately 80 acres as an ACEC to protect historic resource values. Alternatives A, C, and D would not designate the area as an ACEC. Under all alternatives, including the No Action Alternative, this area would be open to fluid mineral leasing, subject to major constraints. Additional proposed management prescriptions would include: Closing the area to salable mineral development; recommending the area for withdrawal from locatable mineral entry; excluding the area from solar and wind energy development; closing the area to geothermal energy development; closing the area to OHV use; managing the area as VRM Class IV; making the area unavailable for grazing; and designating the area as excluded from ROW authorization.

• *Salt Playas ACEC:* Currently, there is no ACEC designation for the area. Within the area, there are two special management areas identified by the 1988 RMP, as amended. The majority of this area is open to fluid mineral leasing, subject to standard terms and conditions or moderate constraints; portions of the area are open to leasing, subject to major constraints or are closed to fluid mineral leasing. Alternative B would designate 49,772 acres as an ACEC to protect cultural, fish and wildlife resource values. Alternatives A, C, and D would not designate the area as an ACEC. Under Alternative A, the majority of this area would be open to fluid mineral leasing, subject to standard terms and conditions or moderate constraints; portions of this area would be open to leasing, subject to major constraints or would be closed to fluid mineral leasing. Under Alternative B, the majority of the area would be open to fluid mineral leasing, subject to major constraints; a portion of the area would be closed to fluid mineral leasing. Under Alternatives C and D, this area would be open to fluid

mineral leasing, subject to standard terms and conditions, moderate constraints, and major constraints. Additional proposed management prescriptions would include: Opening some areas to salable mineral development with or without special terms and conditions, and closing some areas under Alternatives A, C, and D; closing most of the area to salable mineral development under Alternative B; recommending some areas for withdrawal from locatable mineral entry under Alternatives A, C, and D; recommending the entire area for withdrawal under Alternative B; designating some areas as open for geothermal, solar, and wind energy development under Alternatives A, C, and D; designating other areas as excluded from solar and wind energy development; designating portions as variance areas for solar energy development and avoidance areas for wind energy development; designating other areas as closed to geothermal energy development; closing or excluding the entire area to renewable energy under Alternative B; managing the area as either VRM Class III or IV under Alternatives A, C, and D; managing the area as either VRM Class II, III, or IV under Alternative B; designating OHV limited areas; making the area available for grazing in Alternatives A, C, and D; making a portion of the area unavailable for grazing in Alternative B; designating areas as either open to, avoidance of, or excluded from, ROW authorization under Alternatives A, C, and D; and designating the entire area as excluded to ROW authorization under Alternative B.

- *Serpentine Bends ACEC:* The area nominated for the Serpentine Bends ACEC contains a portion of the existing Dark Canyon ACEC, as identified by the 1988 RMP, as amended, and an existing cave withdrawal area that encompasses the entirety of this nominated ACEC. Under all alternatives, including the No Action Alternative, this area is closed to fluid mineral leasing due to the withdrawal. Alternatives A, B, C, and D would designate 5,019 acres as an ACEC to protect values associated with historic, scenic, fish or wildlife resources, and natural systems or processes. Additional proposed management prescriptions would include: Closing the area to salable mineral development; recommending the area for withdrawal from locatable mineral entry; excluding the area from solar and wind energy development; closing the area to geothermal energy development; managing the area as VRM Class I for Alternative B; managing some areas as VRM Class I and other areas as VRM Class II for Alternatives A, C, and D; designating OHV limited areas; closing some areas to travel; making the area available for grazing; and excluding the area from ROW authorization.
- *Seven Rivers Hills ACEC:* Currently, there is no ACEC designation for the area; however, the 1988 RMP, as amended, identified approximately 540 acres as a special management area. This area is open to fluid mineral leasing, subject to major constraints. Alternatives B, C, and D would designate 1,027 acres as an ACEC to protect values associated with scenic, fish or wildlife resources, natural systems or processes, and natural hazards. Alternative A would not designate the area as an ACEC. Under Alternative A, a portion of this area would be open to fluid mineral leasing, subject to standard terms and conditions and subject to major constraints, and a portion would be closed to fluid mineral leasing. Under Alternatives B, C, and D, this area would be open to fluid mineral leasing, subject to major constraints. Under Alternative A, additional proposed management prescriptions would include: Opening and closing some areas to salable mineral development; opening some areas to locatable mineral entry; recommending some areas for withdrawal from locatable mineral entry; designating some areas as open for geothermal, solar, and wind energy development; designating other areas as excluded from solar and wind energy development; designating some areas as variance zones for solar energy development; closing some areas to geothermal energy development; designating OHV limited areas; managing the area as either VRM Class II, III, or IV; making the area available for grazing; and designating the area as open to or excluded from ROW authorization. Under Alternatives B, C, and D, additional proposed management prescriptions would include: Closing the area to salable mineral development; recommending the entire area for withdrawal from locatable mineral entry; closing the area to geothermal energy development; excluding the area from solar and wind energy development; designating OHV limited areas; and excluding the area from ROW authorization.
- *Six Shooter ACEC:* Currently, there is no ACEC designation for the area. This area is open to fluid mineral leasing, subject to standard terms and conditions. Alternatives A and B would designate 735 acres as an ACEC to protect values associated with scenic, fish or wildlife resources, and natural systems or processes. Under Alternatives A and B, this area would be closed to fluid mineral leasing. Alternatives C and D would not designate the area as an ACEC. Under Alternative C and D, this area would be open to fluid mineral leasing, subject to moderate constraints. Additional proposed management prescriptions would include: Opening areas to salable mineral development with special terms and conditions for Alternatives C and D; closing the area to salable mineral development for Alternatives A and B; recommending the entire area for withdrawal from locatable mineral entry for Alternatives A and B; excluding the area from solar and wind energy development in Alternatives A and B; excluding the area from solar development and avoiding wind energy development in Alternatives C and D; closing the area to geothermal energy development; managing the area as VRM Class II; designating OHV limited areas; making the area available for grazing; designating the area as either excluded from ROW authorization for Alternatives A and B or avoidance of ROW authorization for Alternatives C and D.

The land-use planning process was initiated on June 10, 2010, through a Notice of Intent published in the **Federal Register** (73 FR 11142), notifying the public of a formal scoping period and soliciting public participation.

Twelve cooperating agencies expressed interest in collaborating with the BLM during the NEPA process. The following agencies signed a formal cooperating agency agreement:

- U.S. Bureau of Reclamation
- U.S. Department of Energy
- Chaves County
- Eddy County
- Carlsbad Irrigation District
- City of Eunice
- City of Jal
- New Mexico Department of Game and Fish
- Lea County Water Users Association
- Carlsbad Soil and Water Conservation District
- National Park Service
- Natural Resource Conservation Service

The BLM held multiple meetings with stakeholders, interest groups, and the public between 2010 and 2012. The BLM held ten scoping meetings (two per locality) in July 2010 in Artesia, Carlsbad, Hope, Jal, and Hobbs, New Mexico. The BLM also held a multiple use interface meeting with the ranching

community, oil and gas industry, and potash industry in May 2011. The BLM gave a scoping presentation to the Pecos District Resource Advisory Council in January 2012. The BLM also held public workshops pertaining to VRM, travel, and special designations and met with the Public Lands Advisory Council in February 2012. In addition, the BLM held two economic profile system workshops early in the process with local citizens and community leaders to develop a common understanding of the local economies, and the ways in which land-use planning decisions may affect them.

During the scoping period, the public provided the Carlsbad Field Office with input on relevant issues to consider in the planning process. Additional information was collected during two internal alternatives development workshops and one cooperating agency workshop. Based on the issues, conflicts, and the BLM's goals and objectives, the Carlsbad Field Office Interdisciplinary Team and managers formulated four action alternatives for consideration and analysis in the Draft RMP/Draft EIS. At the close of the public comment period, the BLM will use substantive public comments to revise the Draft RMP/Draft EIS in preparation for its release to the public as the Proposed Resource Management Plan and Final Environmental Impact Statement (Proposed RMP/Final EIS). The BLM will respond to each substantive comment received during the public review and comment period by making appropriate revisions to the document, or explaining why the comment did not warrant a change. Notice of the Availability of the Proposed RMP/Final EIS will be posted in the **Federal Register**. Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

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.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2.

Aden L. Seidlitz,

Acting BLM New Mexico State Director.

[FR Doc. 2018–16665 Filed 8–2–18; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB00000. L51100000.GN0000. LVEMF1704460. 17X. MO# 4500106342]

Notice of Availability of the Final Environmental Impact Statement for the Proposed Greater Phoenix Project, Lander County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

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 (FLPMA), the Bureau of Land Management (BLM) Mount Lewis Field Office, Battle Mountain, Nevada, has prepared a Final Environmental Impact Statement (EIS) and by this notice is announcing its availability. The Greater Phoenix Project is owned by Newmont USA Limited and is located approximately 12 miles southwest of the town of Battle Mountain in Lander County, Nevada. The Proposed Project includes expanding the life of the mine from 2040 to 2063; expanding the boundary of the mine by 10,611 acres, from 8,228 acres to 18,839 acres; and increasing surface disturbance by 3,497 acres, from 8,374 to 11,871 acres.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

ADDRESSES: Copies of the Final EIS for the Greater Phoenix Mine Project and other documents pertinent to this proposal may be examined at the Mount Lewis Field Office: 50 Bastian Road, Battle Mountain, Nevada 89820. All documents are available for download at *https://go.usa.gov/xQDYJ.*

FOR FURTHER INFORMATION CONTACT: Christine Gabriel—Project Manager, telephone 775–635–4000; address 50 Bastian Road, Battle Mountain, Nevada 89820; email *blm_nv_bmdo_GreaterPhoenixProject@blm.gov.* Contact Christine Gabriel to have your name added to our mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Newmont USA Limited (Newmont) proposes to modify the Phoenix Mine Plan of Operations to expand its existing mining operations. The proposed Project is located approximately 12 miles southwest of the town of Battle Mountain in Lander County, Nevada. Within this expanded area, surface disturbance would increase by 3,497 acres from 8,374 to 11,871 acres, which includes 5,896 acres located on public lands administered by the BLM Mount Lewis Field Office. The existing Phoenix Mine is a gold and copper mining and beneficiation operation. Mill-grade oxide gold ore is beneficiated to gold concentrate at the Phoenix Mill facility, which also produces small amounts of copper and silver concentrates as trace elements. Mill tailings are deposited in a tailings storage facility (TSF). Copper-containing ore is beneficiated using heap leaching followed by solvent extraction and electrowinning of copper from the leach solution.

Operations at Phoenix Mine under the currently authorized Plan of Operations and existing permits would last approximately 24 years. Active closure and reclamation activities are anticipated to extend approximately 13 years beyond the operational phase. Additionally, more than 500 years of post-closure monitoring would follow final reclamation.

The proposed Project amendments include the following: Extension of mine life from 2040 to 2063; expansion of the Plan of Operations boundary by 10,611 acres—from 8,228 acres to 18,839 acres, of which 10,132 are BLM-managed public lands; increase surface disturbance by 3,497 acres—from 8,374 acres to 11,871 acres; expansion of the Phoenix Pit area through consolidation of existing pit areas, and increase in pit depth by 380 feet—from 4,990 to 4,610 feet above mean sea level; expansion of the Natomas Waste Rock Facility by 347 acres—from 997 acres to 1,344 acres; expansion of the Phoenix TSF by 1,801 acres—from 1,396 acres to 3,197 acres; expansion of the Phoenix Heap Leach Facility by 79 acres—from 536 acres to 615 acres; expansion of the clay soil borrow area by 819 acres—from 469 acres to 1,288 acres; development of an additional soil borrow area (483 acres);

modification of the mine closure approach (including the management of pit water through treatment to meet applicable water quality standards and subsequently put to beneficial use in perpetuity); and realignment of Buffalo Valley Road, as well as realignment of a service power line, fiber optic line, and natural gas pipeline.

Under the proposed Project, four existing FLPMA right-of-way grants (associated with project-related linear facilities) would be amended.

The EIS's analysis is focused on impacts to the following resource areas that were identified through the NEPA scoping process: Water resources (including surface water, groundwater, and geochemistry); air quality; vegetation resources (including noxious weeds and special status species); wildlife (including migratory birds and special status species); grazing management; land use and access; aesthetics (visual); cultural resources; Native American cultural concerns; geological resources (including minerals and soils); paleontological resources; recreation; social and economic values; hazardous materials; wetland and riparian zones.

The EIS describes and analyzes the proposed Project's direct, indirect, and cumulative impacts on all affected resources. In addition to the proposed Project, three alternatives were analyzed: the Enhanced/Mechanical Evaporation Cell Alternative, Treat Water for Agricultural Cropping on Private Land Alternative, and the No Action Alternative.

The Draft EIS, was available for a 45-day public comment period, which ended October 16, 2017. A public meeting was held on September 26, 2017 in Battle Mountain, NV. A total of 178 comments were received during the public comment process. Comment responses are in the Final EIS.

The BLM has utilized and coordinated the NEPA scoping and comment process to help fulfill the public involvement requirements under the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3)—and continues to do so. The information about historic and cultural resources within the area potentially affected by the proposed Project has assisted the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and the NHPA.

The BLM has consulted and continues to consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to Indian trust assets and potential impacts to cultural resources have been analyzed and addressed in the EIS.

John Gant Massey,

Acting Field Manager, Mount Lewis Field Office.

[FR Doc. 2018–16680 Filed 8–2–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–25875; PPWOCRADN0–PCU00RP16.R50000]

Native American Graves Protection and Repatriation Review Committee Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: The National Park Service is hereby giving notice that the Native American Graves Protection and Repatriation Review Committee (Review Committee) will hold one meeting. All meetings are open to the public.

DATES: The Review Committee will meet on October 17–19, 2018, from 8:30 a.m. until approximately 5:00 p.m. (Eastern). Related deadlines for participating in the meeting are detailed in this notice.

ADDRESSES: The Review Committee will meet in the Yates Auditorium, Department of the Interior, 1849 C Street NW, Washington, DC 20240. Electronic submissions of materials or requests are to be sent to *nagpra_info@nps.gov.*

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Designated Federal Officer, National Native American Graves Protection and Repatriation Act Program (2253), National Park Service, telephone (202) 354–2201, or email *nagpra_info@nps.gov.*

SUPPLEMENTARY INFORMATION: The Review Committee was established in section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

Purpose of the Meeting: The agenda will include a report from the National NAGPRA Program; the discussion of the Review Committee Report to Congress; subcommittee reports and discussion; and other topics related to the Review Committee's responsibilities under section 8 of NAGPRA. In addition, the agenda may include requests to the Review Committee for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains proceed; presentations by Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals; and public comment. Presentation to the Review Committee by telephone may be requested but is not guaranteed. The agenda and materials for this meeting will be posted on or before September 18, 2018, at *https://www.nps.gov/nagpra.*

The Review Committee is soliciting presentations from Indian tribes, Native Hawaiian organizations, museums, and Federal agencies on the following two topics: (1) the progress made, and any barriers encountered, in implementing NAGPRA and (2) the outcomes of disputes reviewed by the Review Committee pursuant to 25 U.S.C. 3006 (c)(4). The Review Committee also will consider other presentations from Indian tribes, Native Hawaiian organizations, museums, Federal agencies, associations, and individuals. A presentation request must, at minimum, include an abstract of the presentation and contact information for the presenter(s). Presentation requests and materials must be received by September 4, 2018. Written comments will be accepted from any party and provided to the Review Committee. Written comments received by September 11, 2018, will be provided to the Review Committee before the meeting.

The Review Committee will consider requests for a recommendation to the Secretary of the Interior that an agreed-upon disposition of Native American human remains proceed. A disposition request must include specific information and, as applicable, ancillary materials. For details on the required information go to *https://www.nps.gov/nagpra/review.* Disposition requests must be received by August 14, 2018.

At this meeting, the Review Committee will not consider new requests for findings of fact related to the identity or cultural affiliation of human remains or other cultural items, or the return of such items; or facilitate the resolution of disputes. The Review Committee will consider additions to or hear presentations on previous requests. Contact the Designated Federal Officer to discuss any requests for findings of fact or resolution of disputes by August 10, 2018.

Submissions and requests should be sent to *nagpra_info@nps.gov.* Such items are subject to posting on the National NAGPRA Program website prior to the meeting.

General Information

Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the

National NAGPRA Program website at *https://www.nps.gov/nagpra.*

Review Committee members are appointed by the Secretary of the Interior. The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian tribes and Native Hawaiian organizations and museums on matters affecting such tribes or organizations lying within the scope of work of the Review Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

Public Disclosure of Comments: Before including your address, telephone number, email address, or other personal identifying information in your 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 comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2; 25 U.S.C. 3006.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2018–16593 Filed 8–2–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 189R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of contract actions.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of *1939,* and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.
2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.
3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.
4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.
5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.
6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.
7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project

Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
OM&R Operation, Maintenance, and Replacement
P–SMBP Pick-Sloan Missouri Basin Program
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

PACIFIC NORTHWEST REGION: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

Executed contract:

16. Talent, Medford, and Rogue River Valley IDs; Rogue River Basin Project; Oregon: Contracts for repayment of reimbursable shares of SOD program modifications for Howard Prairie Dam. Contract executed on January 18, 2018.

MID-PACIFIC REGION: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New contract actions:

50. Santa Barbara County Water Agency, Cachuma Project, California: Negotiation and execution of a long-term water service contract.

51. Cachuma Operations and Maintenance Board, Cachuma Project, California: Negotiation and execution of an O&M contract.

52. State of California, Department of Water Resources; CVP; California: Negotiation of a multi-year wheeling agreement with the State of California, Department of Water Resources providing for the conveyance and delivery of CVP water through the State of California's water project facilities to Byron-Bethany ID (Musco Family Olive Company), Del Puerto WD, and the San Joaquin Valley National Cemetery.

Discontinued contract actions:

21. Goleta WD, Cachuma Project, California: An agreement to transfer title of the federally owned distribution system to the District subject to approved legislation.

29. San Joaquin Valley National Cemetery, U.S. Department of Veteran Affairs; Delta Division, CVP; California: Negotiation of a multi-year wheeling agreement with a retroactive effective date of 2011 is pending. A wheeling agreement with the State of California Department of Water Resources provides for the conveyance and delivery of CVP water through the State of California's water project facilities to the San Joaquin Valley National Cemetery.

30. Byron-Bethany ID, CVP, California: Negotiation of a multi-year wheeling agreement with a retroactive effective date is pending. A wheeling agreement with the State of California Department of Water Resources provides for the conveyance and delivery of CVP water through the State of California's water project facilities, to the Musco Family Olive Company, a customer of Byron-Bethany ID.

35. Langell Valley ID, Klamath Project; Oregon: Title transfer of lands and facilities of the Klamath Project.

49. Del Puerto WD, CVP, California: Negotiation of a short-term wheeling agreement with the State of California, Department of Water Resources to provide for the conveyance and delivery of CVP water through the State of California's water project facilities to Del Puerto Water District via a state water project contractor.

Completed contract actions:

38. Orland Unit Water User's Association, Orland Project, California: Title transfer of lands and features of the Orland Project. Title transfer was executed on October 6, 2014.

48. Washoe County Water Conservation District, Truckee Storage Project, Nevada: Repayment contract for costs associated with SOD work on Boca Dam. Contract executed on May 17, 2018.

LOWER COLORADO REGION: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

New contract action:

20. Basic Water Company, BCP, Nevada: Approve an acknowledgment of assignment of rights, interests, and obligations under contract No. 14–06–300–2083, as amended, from Tronox LLC to EMD Acquisition.

Modified contract actions:

3. Bard WD, Yuma Project, California: Consolidate Bard WD's O&M contracts for the Yuma Project, California, Reservation Division, Indian Unit and Bard Unit; to reflect updated Reclamation policies and procedures.

4. Ogram Farms, BCP, Arizona: Review and approve a proposed assignment of Ogram Farms' Colorado River delivery contract for 480 acre-feet of water per year to Larry and Gina Ott and Lee C. and Candace M. Ott, and execute a new Colorado River water delivery contract with the assignees for the assigned amount 480 acre-feet of water per year.

Completed contract actions:

12. Mohave County Water Authority, BCP, Arizona: Execute Exhibit B, Revision 6 that will supersede and replace Exhibit B, Revision 5 to the Authority's Colorado River water delivery contract in order to update the annual diversion amounts to be used within each of the contract service areas. Contract executed on December 22, 2017.

14. Sarah S. Chesney, BCP, Arizona: Review and approve a proposed assignment of Sarah S. Chesney's contract for the conveyance of Colorado River water from Sarah S. Chesney to WPI II—COL FARM AZ, LLC. Contract executed on March 14, 2018.

16. San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona: Execute amendment No. 7 to a CAP water lease to extend the term of the lease in order for San Carlos Apache Tribe to lease 20,000 acre-feet of its CAP water to the Town of Gilbert during calendar year 2018. Contract executed on February 5, 2018.

17. Fort McDowell Yavapai Nation and the Town of Gilbert, CAP, Arizona: Execute amendment No. 6 to a CAP water lease to extend the term of the lease in order for Fort McDowell Yavapai Nation to lease 13,933 acre-feet of its CAP water to the Town of Gilbert during calendar year 2018. Contract executed on January 8, 2018.

18. San Carlos Apache Tribe and the Pascua Yaqui Tribe, CAP, Arizona: Execute a CAP water lease in order for the San Carlos Apache Tribe to lease 500 acre-feet of its CAP water to the Pascua Yaqui Tribe during calendar year 2018. Contract executed on February 5, 2018.

UPPER COLORADO REGION: Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

Completed contract actions:

4. Bridger Valley Water Conservancy District, Lyman Project, Wyoming: The District has requested that its Meeks Cabin repayment contract be amended from two 25-year contacts to one 40-year contract, or that the second 25-year contract be negotiated, as outlined in the original contract. Contract executed on February 21, 2018.

13. Uintah Water Conservancy District; Vernal Unit, CUP; Utah: Due to sloughing on the face of Steinaker Dam north of Vernal, Utah, a SOD fix authorized under the SOD Act may be necessary to perform the various functions needed to bring Steinaker Reservoir back to full capacity. This will require a repayment contract with the United States. Contract executed on February 21, 2018.

GREAT PLAINS REGION: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

New contract actions:

29. Frenchman-Cambridge ID; Frenchman-Cambridge Division, P–SMBP; Nebraska: Consideration of a project use power contract and a repayment contract for Frenchman-Cambridge ID's share of the assigned reimbursable P–SMBP assigned power investment costs.

30. Mid-Dakota Rural Water System, Inc., South Dakota: Consideration of an amendment to agreement No. 5–07–60–W0223 to reflect the payoff of loans.

31. Kansas Bostwick ID; Bostwick Division, P–SMBP; Kansas: Consideration of an amendment to contract No. 16XX630077 to reflect the actual annual expenditures.

32. Bostwick ID; Bostwick Division, P–SMBP; Nebraska: Consideration of an amendment to contract No. 16XX630076 to reflect the actual annual expenditures.

33. Cody Canal ID, Shoshone Project, Wyoming: Consideration of an amendment to long-term agreement No. 9–AB–60–00060 to extend the term for 30 years.

Completed contract actions:

28. Kansas Bostwick ID, Bostwick Division, P–SMBP, Kansas: Consideration of an excess capacity contract to store water in Harlan County Lake. Contract executed on December 26, 2017.

29. Frenchman-Cambridge ID; Frenchman-Cambridge Division, P–SMBP; Nebraska: Consideration of a project use power contract and a repayment contract for

Frenchman-Cambridge ID's share of the assigned reimbursable P–SMBP assigned power investment costs. Contract executed on May 29, 2018.

Dated: June 20, 2018.

Ruth Welch,

Director, Policy and Administration.

[FR Doc. 2018–16640 Filed 8–2–18; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–352]

Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to submit information relating to matters to be addressed in the Commission's 18th report on the impact of the Andean Trade Preference Act (ATPA).

SUMMARY: Section 206 of the ATPA requires the Commission to report biennially to the Congress and the President by September 30 of each reporting year on the economic impact of the Act on U.S. industries and U.S. consumers, and on the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts by beneficiary countries. The Commission prepares these reports under investigation No. 332–352, *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution.*

DATES: August 16, 2018: Deadline for filing written submissions. September 30, 2018: Transmittal of Commission report to Congress.

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 Commissions electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Edward Wilson, Project Leader, Office of Economics (*edward.wilson@usitc.gov* or 202–205–3268). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (*william.gearhart@usitc.gov* or 202–205–3091). The media should contact Peg O'Laughlin, Office of External Relations (*margaret.olaughlin@usitc.gov* or 202–205–1819). 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 internet server (*https://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.

SUPPLEMENTARY INFORMATION:

Background: Section 206 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3204) requires that the Commission submit biennial reports to the Congress and the President regarding the economic impact of the Act on U.S. industries and consumers and, in conjunction with other agencies, the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. Section 206(b) of the Act requires that each report include:

(1) The actual effect of ATPA on the U.S. economy generally as well as on specific domestic industries which produce articles that are like, or directly competitive with, articles being imported under the Act from beneficiary countries;

(2) The probable future effect that ATPA will have on the U.S. economy generally and on such domestic industries; and

(3) The estimated effect that ATPA has had on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Under the statute the Commission is required to prepare this report regardless of whether preferential treatment was provided during the period covered by the report. The President's authority to provide preferential treatment under ATPA expired on July 31, 2013. During the period to be covered by this report, calendar years 2016 and 2017, no imports entering the United States should have received preferential treatment under the ATPA program.

The Commission will submit its report by September 30, 2018. The initial notice announcing institution of this investigation for the purpose of preparing these reports was published in the **Federal Register** of March 10, 1994 (59 FR 11308). Notice providing opportunity to file written submissions in connection with the seventeenth report was published in the **Federal Register** of August 23, 2016 (81 FR 57613).

Written Submissions: Interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., August 16, 2018. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf* require that interested parties file documents *electronically* on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern

time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential Business Information. Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission will not include any confidential business information in the report that it sends to the Congress or the President or that it makes available to the public. However, all information, including confidential business information, submitted in 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 for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons. Persons wishing to have a summary of their position included in the report should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will identify the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: July 30, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–16610 Filed 8–2–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1063]

Certain X-Ray Breast Imaging Devices and Components Thereof Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (''ALJ'') has issued a Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief. The ALJ recommended, should the Commission find a violation of section 337, that the Commission issue a limited exclusion order prohibiting the entry of certain x-ray breast imaging devices and components thereof manufactured abroad by or on behalf of Respondents FUJIFILM Corporation of Tokyo, Japan; FUJIFILM Medical Systems USA, Inc. of Stamford, Connecticut; and FUJIFILM Techno Products Co., Ltd. of Hanamaki-Shi Iwate, Japan, that infringe certain claims of U.S. Patent Nos. 7,831,296; 8,452,379; 7,688,940; and 7,123,684. The ALJ also recommend that a cease and desist order be issued. The ALJ recommend that the issuing orders include exceptions relating to support, servicing and repair and that the limited exclusion order include an exception for government use, as well as a certification provision. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. 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 *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://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: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bond issued in this investigation on July 26, 2018. Comments should address whether issuance of remedial orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or cease and desist orders within a commercially reasonable time; and

(v) explain how the recommended exclusion order and/or cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on September 6, 2018.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 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. 1063'') 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, solely for cybersecurity purposes (all contract personnel will sign appropriate nondisclosure agreements). All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of 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: July 31, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–16651 Filed 8–2–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–929 (Rescission Proceeding)]

Certain Beverage Brewing Capsules, Components Thereof, and Products Containing the Same; Commission Determination To Institute a Rescission Proceeding; Temporary Rescission of the Remedial Orders; Termination of the Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a rescission proceeding, to temporarily rescind a March 17, 2016 limited exclusion order and three cease-and-desist orders (''the remedial orders''), and to terminate the rescission proceeding.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–5468. 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 the original investigation on September 9, 2014, based on a complaint filed by Adrian Rivera and Adrian Rivera Maynez Enterprises, Inc. (collectively, ''ARM''). 79 FR 53445–46. The complaint alleged that several respondents, including Eko Brands, LLC (''Eko'') Evermuch Technology Co., Ltd. and Ever Much Company Ltd. (together, ''Evermuch''), violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by infringing certain claims of U.S. Patent No. 8,720,320 (''the '320 patent''). *Id.* Eko Brands and Evermuch did not respond to the complaint and notice of investigation, and were found in default. Notice (May 18, 2015). On March 17, 2016, the Commission issued a limited exclusion order prohibiting Eko and Evermuch from importing certain beverage brewing capsules, components thereof, and products containing same that infringed claims 8 or 19 of the '320 patent, and also issued three cease-and-desist orders against Eko and the two Evermuch entities prohibiting the sale and distribution within the United States of articles that infringe claims 8 or 19. 81 FR 15742–43.

On April 2, 2015, Eko filed in district court for declaratory relief stating, *inter alia,* that Eko does not infringe certain claims of the '320 patent and that certain claims of the '320 patent are invalid. *Eko Brands* v. *Adrian Rivera Maynez Enterprises Inc. et al.,* Case No. 2:15-cv-00522, Dkt. #1 (W.D. Wash.). On June 14, 2018, the district court issued an order finding that claims 5, 8, 18, and 19 of the '320 patent are invalid as obvious. *Id.* at Dkt. #251.

On June 28, 2018, Eko petitioned the Commission to rescind the March 17, 2016 remedial orders based on the district court's invalidity judgment. On July 9, 2018, ARM filed a response that did not dispute Eko's petition, but argued that any rescission be temporary pending the resolution of ARM's appeal of the district court invalidity judgment.

Having considered the petition and response, the Commission has determined to institute a rescission proceeding, and has determined that the circumstances warrant temporarily rescinding the remedial orders pending the appeal of the district court invalidity judgment. The rescission proceeding is hereby terminated.

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: July 30, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–16611 Filed 8–2–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: AMRI Rensselaer, 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 in accordance with 21 CFR 1301.33(a) on or before October 2, 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 June 25, 2018, AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Pentobarbital	2270	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Codeine	9050	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Meperidine	9230	II
Morphine	9300	II

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers.

In reference to drug codes 7360 (marihuana) and 7370 (THC), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

Dated: July 23, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–16635 Filed 8–2–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On July 30, 2018, the Department of Justice lodged a proposed consent decree with the United States District Court for the Central District of California in the lawsuit entitled *United States* v. *Honeywell International, Inc.,* Civil Action No. 2:18-cv-06556.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the recovery of costs that the United States incurred responding to releases of hazardous substances at Installation Restoration Program (IRP) Site 50 at Vandenberg Air Force Base in Santa Barbara County, California. The consent decree requires the defendant Honeywell International, Inc. to pay $250,000 to the United States. In return, the United States agrees not to sue the defendant under sections 106 and 107 of CERCLA at IRP Site 50 at Vandenberg Air Force Base.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Honeywell International, Inc.,* D.J. Ref. No. 90–11–3–10477/5. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.25 (25 cents per page

reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–16674 Filed 8–2–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program, FY 2018

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

ACTION: Notice of availability of funds and funding opportunity announcement (FOA) for Targeted Topic Training grants, Training and Educational Materials grants, and Capacity Building grants.

SUMMARY: This notice announces availability of approximately $10.5 million for Susan Harwood Training Grant Program grants. Three separate funding opportunity announcements are available for Targeted Topic Training grants, Training and Educational Materials grants, and Capacity Building grants (Funding Opportunity Number SHTG–FY–17–03 will cover two types of Capacity Building grants: (1) Capacity Building Pilot and (2) Capacity Building Developomental grants).

Funding Opportunity Number: SHTG–FY–17–01 (Targeted Topic Training grants).

Funding Opportunity Number: SHTG–FY–17–02 (Training and Educational Materials grants).

Funding Opportunity Number: SHTG–FY–17–03 (Capacity Building grants).

Catalog of Federal Domestic Assistance Number: 17.502.

DATES: Grant applications for Susan Harwood Training Program grants must be received electronically by the *Grants.gov* system no later than 11:59 p.m., ET, on September 2, 2018.

ADDRESSES: The complete Susan Harwood Training Grant Program funding opportunity announcement and all information needed to apply are available at the *Grants.gov* website, *https://www.grants.gov/.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the funding opportunity announcement should be emailed to *HarwoodGrants@dol.gov* or by telephone at 847–759–7700 extension 7926. Personnel will not be available to answer questions after 5:00 p.m., ET. To obtain further information on the Susan Harwood Training Grant Program, visit the OSHA website at: *https://www.osha.gov/dte/sharwood/index.html.* Questions regarding *Grants.gov* should be emailed to *Support@grants.gov* or directed to Applicant Support toll free at 1–800–518–4726. Applicant Support is available 24 hours a day, 7 days a week except on Federal holidays.

Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is Section 21 of the Occupational Safety and Health Act of 1970, (29 U.S.C. 670), Public Law 113–235, and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 27, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–16613 Filed 8–2–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0010]

1,2-Dibromo-3-Chloropropane (DBCP) Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA is soliciting public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified by the 1,2-Dibromo-3-Chloropropane (DBCP) Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by October 2, 2018.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0010, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA–2012–0010) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Christie Garner at the number below to obtain a copy of the ICR. **FOR FURTHER INFORMATION CONTACT:** Tom Mockler or Christie Garner, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of

1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act, or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements in the DBCP Standard provide protection for workers from the adverse health effects associated with exposure to DBCP. In this regard, the DBCP Standard requires employers to: Monitor workers' exposure to DBCP; monitor worker health; and provide workers with information about their exposures and the health effects of exposure to DBCP.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- the accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- the quality, utility, and clarity of the information collected; and
- ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

After extensive research, OSHA found no U.S. employer who currently produces DBCP or DBCP-based end-use products, most likely because the Environmental Protection Agency (EPA) registration suspension for this substance remains in effect; therefore, no cost or time burdens accrue to employers under the Standard. The agency requests OMB approval of the information collection provisions as a one hour burden under the paperwork requirements if EPA lifts the suspension or technology develops new applications for DBCP.

Type of Review: Extension of a currently approved collection.

Title: 1, 2-Dibromo-3-Chloropropane (DBCP) Standard (29 CFR 1910.1044).

OMB Control Number: 1218–0101.

Affected Public: Businesses or other for-profits.

Frequency: On occasion.

Average Time per Response: 0.

Estimated Total Burden Hours: 1.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2012–0010). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify electronic comments by your name, date, and the docket number so the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on July 30, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–16614 Filed 8–2–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0041]

FM Approvals LLC: Grant of Expansion of Recognition and Modification to the Nationally Recognized Testing Laboratory (NRTL) Program's List of Appropriate Test Standards

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for FM Approvals, LLC (FM), as a NRTL. In addition, OSHA announces the addition of four test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: The expansion of the scope of recognition becomes applicable on August 3, 2018.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, telephone: (202) 693–1999, email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; telephone: (202) 693–2110 or email: *robinson.kevin@dol.gov.* OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of FM Approvals, LLC, as a NRTL. FM's expansion covers the addition of 24 test standards to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL that details its scope of recognition. These pages are available from the Agency's website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

FM submitted an application, dated July 15, 2016 (OSHA–2007–0041–0008) to expand its recognition to include 28 additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. In reviewing the application, OSHA determined that three of the requested standards had been withdrawn by the controlling standards development organization; therefore, OSHA cannot add those three standards to FM's NRTL scope of recognition. Additionally, one of the requested standards, ISA 60079–26, has been superseded by UL 60079–26, which was also included in FM's expansion application. Accordingly, OSHA will add the active standard, not the superseded one, and OSHA will grant recognition to 24 standards in the final expansion. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing FM's expansion application in the **Federal Register** on May 15, 2018 (83 FR 22523). The Agency requested comments by May 30, 2018, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of FM's scope of recognition.

To obtain or review copies of all public documents pertaining to FM's application, go to *http://www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210. Docket No. OSHA–2007–0041 contains all materials in the record concerning FM's recognition.

II. Final Decision and Order

OSHA staff examined FM's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that FM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the specified limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant FM's scope of recognition. OSHA limits the expansion of FM's recognition to testing and certification of products for demonstration of conformance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN FM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 50	Enclosures for Electrical Equipment, Non-Environmental Considerations.
UL 50E	Enclosures for Electrical Equipment, Environmental Considerations.
UL 60079–0	Explosive Atmospheres—Part 0: Equipment—General Requirements.
ISA 60079–0	Explosive Atmospheres—Part 0: Equipment—General Requirements.
UL 60079–1	Standard for Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures ''d''.
ISA 60079–1	Standard for Explosive Atmospheres—Part 1: Equipment Protection by Flameproof Enclosures ''d''.
UL 60079–2	Standard for Explosive Atmospheres—Part 2: Equipment Protection by Pressurized Enclosure ''p''.
UL 60079–5	Standard for Explosive Atmospheres—Part 5: Equipment Protection by Powder Filling ''q''.
UL 60079–6	Standard for Explosive Atmosphere—Part 6: Equipment Protection by Liquid Immersion ''o''.
ISA 60079–6	Standard for Explosive Atmosphere—Part 6: Equipment Protection by Liquid Immersion ''o''.
UL 60079–7	Standard for Explosive Atmospheres—Part 7: Equipment Protection by Increased Safety ''e''.
ISA 60079–7	Standard for Explosive Atmospheres—Part 7: Equipment Protection by Increased Safety ''e''.
UL 60079–11	Standard for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety ''i''.
ISA 60079–11	Standard for Explosive Atmospheres—Part 11: Equipment Protection by Intrinsic Safety ''i''.
UL 60079–15	Standard for Explosive Atmospheres—Part 15: Equipment Protection by Type of Protection ''n''.
ISA 60079–15	Standard for Explosive Atmospheres—Part 15: Equipment Protection by Type of Protection ''n'' (Edition 4).
UL 60079–18	Standard for Explosive Atmospheres—Part 18: Equipment Protection by Encapsulation ''m''.
UL 60079–25	Standard for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
ISA 60079–25 *	Standard for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
UL 60079–26 *	Standard for Explosive Atmospheres—Part 26: Equipment with Equipment Protection Level (EPL) Ga.
UL 60079–28 *	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation.
ISA 60079–28	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation, Edition 1.1.
UL 60079–31 *	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection by Enclosure ''t''.
ISA 60079–31	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection by Enclosure ''t''.

* Represents a standard that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

In this notice, OSHA also announces the addition of four new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA has

determined that these test standards are appropriate test standards and will include them in the NRTL Program's List of Appropriate Test Standards.

TABLE 2—TEST STANDARDS OSHA IS ADDING TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
ISA 60079–25 ...	Standard for Explosive Atmospheres—Part 25: Intrinsically Safe Electrical Systems.
UL 60079–26	Standard for Explosive Atmospheres—Part 26: Equipment with Equipment Protection Level (EPL) Ga.
UL 60079–28	Standard for Explosive Atmospheres—Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation.
UL 60079–31	Standard for Explosive Atmospheres—Part 31: Equipment Dust Ignition Protection Enclosure "t".

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, the use of the designation of the standards-developing organization for the standard as opposed to the ANSI designation may occur. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, FM must abide by the following conditions of the recognition:

1. FM must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. FM must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. FM must continue to meet the requirements for recognition, including all previously published conditions on FM's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of FM, subject to the limitation and conditions specified above.

Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on July 30, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–16617 Filed 8–2–18; 8:45 am]

BILLING CODE 4510–26–P

OFFICE OF MANAGEMENT AND BUDGET

Notice of Request for Information: Establishing a Government Effectiveness Advanced Research (GEAR) Center

AGENCY: Office of Management and Budget (OMB), Executive Office of the President.

ACTION: Notice of request for information: Establishing a Government Effectiveness Advanced Research (GEAR) Center.

SUMMARY: The Executive Office of the President seeks input from across sectors and disciplines on capabilities that already exist as well as key considerations in pursuing the Government Effectiveness Advanced Research (GEAR) Center initiative through a request for information (RFI) now available on *www.Performance.gov/GEARcenter.*

The Federal Government intends to pursue a Government Effectiveness Advanced Research (GEAR) Center, which would be a public-private partnership focused on applied research that improves mission delivery, citizen services, and stewardship of public resources, as proposed in *Delivering Government Solutions for the 21st Century: Reform Plan and Reorganization Recommendations.* This non-governmental, public-private partnership would address operational and strategic challenges facing the Federal Government, both now and into the future, by engaging researchers, academics, non-profits, and private industry across an array of disciplines, such as data science, organizational behavior, and user-centered design.

Through applied research and live pilot testing, the GEAR Center would connect cutting-edge thinking with real-world challenges the Federal Government faces in serving Americans in the Digital Age. This means re-imagining possibilities for how citizens interact with the Government; rethinking the delivery of citizen services and data; reforming core processes (*e.g.,* procurement, budget, IT investment and capital allocation); and exploring how the public-sector workforce can be developed, reskilled and redeployed in creative ways.

DATES: September 14, 2018.

ADDRESSES: Submissions are due on September 14, 2018 through email to *performance@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

Instructions for Written Responses

Interested parties should provide written responses to the questions outlined in the ''Purpose of This RFI'' section. Submissions are due on September 14, 2018 through email to *performance@omb.eop.gov.*

Please include the below in your response, *limiting this portion of your response to one page:*

- The name of the individual(s) and/or organization responding.
- A brief description of the responding individual(s) or organization's mission and/or areas of expertise, including any public-private partnership work within the past three years with Federal, State, or local governments that is relevant to applied research on workforce reskilling and data commercialization.
- A contact for questions or other follow-up on your response.

Next Steps

To get up-to-date information and view the RFI, please visit *www.performance.gov/GEARcenter* and follow @PerformanceGov on Twitter.

Margaret Weichert,

OMB Deputy Director for Management.

[FR Doc. 2018–16615 Filed 8–2–18; 8:45 am]

BILLING CODE 3110–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0252 and NRC–2016–0121]

Program-Specific Guidance About Licenses Authorizing Distribution to General Licensees and Program-Specific Guidance About Special Nuclear Material of Less Than Critical Mass Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: NUREG; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued Revision 1 to NUREG–1556, Volume 16, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Licenses Authorizing Distribution to General Licensees,'' and Volume 17, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Special Nuclear Material of Less Than Critical Mass Licenses.'' NUREG–1556 Volumes 16 and 17 have been revised to include information on updated regulatory requirements, safety culture, security of radioactive materials, protection of sensitive information, and changes in regulatory policies and practices. These volumes are intended for use by applicants, licensees, and the NRC staff.

DATES: NUREG 1556, Volumes 16 and 17, Revision 1, were published in July 2018.

ADDRESSES: Please refer to Docket ID NRC 2015–0252 (NUREG–1556, Vol. 16, Rev. 1), and NRC–2016–0121 (NUREG–1556, Vol. 17, Rev. 1), when contacting the NRC about the availability of information regarding these documents. You may obtain publicly-available information related to these documents using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0252 or NRC–2016–0121. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NUREG–1556, Volumes 16 and 17, Revision 1, are located at ADAMS Accession Numbers ML18180A187 and ML18190A207, respectively. These documents are also available on the NRC's public website at *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/* under ''Consolidated Guidance About Materials Licenses (NUREG–1556).''
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Anthony McMurtray, Office of Nuclear Material Safety and Safeguards; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2746; email: *Anthony.McMurtray@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC issued revisions to NUREG–1556, Volumes 16 and 17, to provide guidance to existing materials licensees covered under these types of licenses and to applicants preparing an application for one of these types of materials licenses. These NUREG volumes also provide the NRC staff with criteria for evaluating these types of license applications. The purpose of this notice is to notify the public that the NUREG–1556 volumes listed in this **Federal Register** notice were issued as final reports.

II. Additional Information

The NRC published notices of the availability of the draft report for comment versions of NUREG–1556, Volume 16, Revision 1 in the **Federal Register** on June 23, 2016 (81 FR 40928) and Volume 17, Revision 1 in the **Federal Register** on January 26, 2017 (82 FR 8547). Both of these volumes were published for a public comment period that was at least 32 days. The public comment period closed for Volume 16 on July 25, 2016 and for Volume 17 on March 3, 2017. Public comments and the NRC staff responses to the public comments for NUREG–1556, Volume 16, Revision 1 are available under ADAMS Accession No. ML18136A728. Public comments and the NRC staff responses to the public comments for NUREG–1556, Volume 17, Revision 1 are available under ADAMS Accession No. ML18113A291.

III. Congressional Review Act

These NUREG volumes are rules as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found these NUREG revisions to be major rules as defined in the Congressional Review Act.

Dated at Rockville, Maryland, on July 30, 2018.

For the Nuclear Regulatory Commission.

Daniel S. Collins,

Director, Division of Materials Safety, Security, State and Tribal Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–16619 Filed 8–2–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on September 6–8, 2018, 11545 Rockville Pike, Rockville, Maryland 20852.

Thursday, September 6, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:00 a.m.: NuScale Topical Report TR–0915–17564, ''*Subchannel Analysis Methodology*'' (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the subject topical report. **[Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]**

10:15 a.m.–11:45 a.m.: NuScale Design Certification Application (DCA),

Chapter 7—Instrumentation & Control and Chapter 8—Electrical Systems (Open)—The Committee will have briefings by and discussion with representatives of the NRC staff and NuScale regarding the safety evaluation with open items associated with the DCA.

12:45 p.m.–2:15 p.m.: NuScale Design Certification Application (DCA), Chapter 7—Instrumentation & Control and Chapter 8—Electrical Systems (continued) (Open)—The Committee will continued briefings by and discussion with representatives of the NRC staff and NuScale regarding the safety evaluation with open items associated with the DCA.

2:30 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. **[Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]**

Friday, September 7, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

10:15 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. **[NOTE: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]**

Saturday, September 8, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 p.m.–12:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and potential retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)]. **[Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]**

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience. The bridgeline number for the meeting is 866–822–3032, passcode 8272423#.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–6702), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 30th day of July 2018.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–16621 Filed 8–2–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–196 and CP2018–274; MC2018–197 and CP2018–275; MC2018–198 and CP2018–276; MC2018–199 and CP2018–277; MC2018–200 and CP2018–278; MC2018–201 and CP2018–279]

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:* August 6, 2018 and August 7, 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 August 6, 2018 comment due date applies to MC2018–196 and CP2018–274; MC2018–197 and CP2018–275; MC2018–198 and CP2018–276; MC2018–199 and CP2018–277; MC2018–200 and CP2018–278.

The August 7, 2018 comment due date applies to Docket Nos. MC2018–201 and CP2018–279.

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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.

I. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–196 and CP2018–274; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 85 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd, *Comments Due:* August 6, 2018.

2. *Docket No(s).:* MC2018–197 and CP2018–275; *Filing Title:* USPS Request to Add Parcel Select Contract 32 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Gregory Stanton, *Comments Due:* August 6, 2018.

3. *Docket No(s).:* MC2018–198 and CP2018–276; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 43 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr, *Comments Due:* August 6, 2018.

4. *Docket No(s).:* MC2018–199 and CP2018–277; *Filing Title:* USPS Request to Add Priority Mail Contract 455 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr, *Comments Due:* August 6, 2018.

5. *Docket No(s).:* MC2018–200 and CP2018–278; *Filing Title:* USPS Request to Add Priority Mail Contract 456 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr, *Comments Due:* August 6, 2018.

6. *Docket No(s).:* MC2018–201 and CP2018–279; *Filing Title:* USPS Request to Add Priority Mail Contract 457 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* July 27, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr, *Comments Due:* August 7, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–16600 Filed 8–2–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Electronic Data Collection System; SEC File No. 270–621, OMB Control No. 3235–0672.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

The Commission invites comment on updates to its Electronic Data Collection System database (the Database), which will support information provided by members of the public who would like to file an online tip, complaint or referral (TCR) to the Commission. The Database will be a web based e-filed dynamic report based on technology that pre-populates and establishes a series of questions based on the data that the individual enters. The individual will then complete specific information on the subject(s) and nature of the suspicious activity, using the data elements appropriate to the type of complaint or subject. The information collection is voluntary. The public interface to the Database will be available using the agency's website, *www.sec.gov.* The Commission estimates that it takes a complainant, on average, 30 minutes to submit a TCR through the Database. Based on the receipt of an average of approximately 16,000 annual TCRs for the past three fiscal years, the Commission estimates that the annual reporting burden is 8,000 hours.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance

of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F St. NE, Washington DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 30, 2018.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–16601 Filed 8–2–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83738; File No. SR–CboeBYX–2018–012]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Exchange Rule 11.13, Order Execution and Routing, To Amend the Operation of the Super Aggressive Order Instruction

July 30, 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 July 16, 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 and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend paragraph (b)(4)(C) of Exchange Rule 11.13 related to Super Aggressive order instructions.

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 the description of the Super Aggressive Re-Route instruction (''Super Aggressive instruction'') under paragraph (b)(4)(C) of Exchange Rule 11.13, Order Execution and Routing to: (i) Specify that an incoming BYX Post Only Order or Partial Post Only at Limit Order that would lock a resting order with a Super Aggressive instruction must be designated as eligible for display on the Exchange (a ''displayed order'') for the order with a Super Aggressive instruction to engage in a liquidity swap and execute against that incoming order; and (ii) modify language from the description of the Super Aggressive instruction that states if an order that does not contain a Super Aggressive instruction maintains higher priority than one or more Super Aggressive eligible orders, the Super Aggressive eligible order(s) with lower priority would not be converted and an incoming BYX Post Only Order or Partial Post Only at Limit Order would be posted or cancelled in accordance with Exchange Rule 11.9(c)(6) or 11.9(c)(7).

At the outset, the Exchange notes that based on the Exchange's current pricing schedule, because BYX offers rebates to remove liquidity and charges fees to add liquidity, BYX Post Only Orders and Partial Post Only at Limit Orders remove liquidity on entry against resting interest and are not booked/displayed if there is contra-side interest. As such, the descriptions below of the changes to Rule 11.13(b)(4)(C), including the examples of the revised operation of the Super Aggressive functionality are currently inapplicable because BYX Post Only Orders and Partial Post Only at Limit Orders execute against resting liquidity first, before the logic discussed below is triggered. However, consistent with its prior practice, the Exchange is proposing the changes to Rule 11.13(b)(4)(C) related to the Super Aggressive instruction in this filing in order to retain consistent rules and functionality with its affiliated exchanges[5] to the extent the Exchange decides to propose changes to its fee structure in the future such that ''Post Only'' functionality is more relevant to the operation of the Exchange.

Super Aggressive is an optional order instruction that directs the System[6] to route an order when an away Trading Center locks or crosses the limit price of the order resting on the BYX Book.[7] If an order with a Super Aggressive instruction were to be locked by an incoming BYX Post Only Order or Partial Post Only at Limit Order (hereafter collectively referred to as a ''Post Only Order'') that does not remove liquidity pursuant to Rule 11.9(c)(6) or 11.9(c)(7), respectively,[8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange notes that its affiliates, Cboe BZX Exchange, Inc. and Cboe EDGX Exchange, Inc., also recently filed to adopt the functionality described in this filing and such functionality is applicable on such exchanges because orders equivalent to BYX Post Only Orders and/or Partial Post Only at Limit Orders can be entered on such exchanges and do not always remove against contra-side interest on entry pursuant to such exchanges' fee schedules. *See* SR–CboeBZX–2018–051 and SR–CboeEDGX–2018–025, each filed July 11, 2018.

[6] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(aa).

[7] *See* Exchange Rule 1.5(e).

[8] A BYX Post Only Order will remove contra-side liquidity from the BYX Book if the order is an order to buy or sell a security priced below $1.00 or if the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the BYX Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. *See* Exchange Rule 11.9(c)(6). A Partial Post Only at Limit Order will remove liquidity from the BYX Book up to the full size of the order if, at the time of receipt, it can be executed at prices better than its limit price. *See* Exchange Rule 11.9(c)(7). As noted above, due to the current BYX pricing schedule, which offers rebates to remove

Continued

the order with a Super Aggressive instruction would be converted to an executable order and would remove liquidity against such incoming order.

First, the Exchange proposes to modify the Super Aggressive instruction to require that the incoming Post Only Order that would lock a resting order with a Super Aggressive instruction must be designated as a displayed order for an execution to occur. The Super Aggressive instruction is generally utilized for best execution purposes because it enables the order to immediately attempt to access displayed liquidity on another Trading Center that is either priced equal to or better than the order with a Super Aggressive instruction's limit price. The Super Aggressive instruction would also enable the order to execute against an equally priced incoming Post Only Order that would otherwise not execute by being willing to act as the liquidity remover in such a scenario.[9] Under BYX Rules, the incoming Post Only Order could either be a displayed order or a non-displayed order for it to engage in a liquidity swap with an order with a Super Aggressive instruction resting on the BYX Book.

Consistent with the Super Aggressive instruction to access liquidity displayed on other Trading Centers, the Exchange proposes to amend the Super Aggressive instruction such that an order with such instruction would execute against an equally priced incoming Post Only Order only when such order would be displayed on the BYX Book. The order with a Super Aggressive instruction would act as a liquidity remover in such a scenario. Should an equally priced incoming Post Only Order not be designated as a displayed order, the resting order with a Super Aggressive instruction would remain on the BYX Book and await an execution where it may act as a liquidity provider. An incoming Post Only Order that would also be designated as a non-displayed order would be posted to the BYX Book at its limit price, creating an internally locked non-displayed book. As is the case today, an execution would continue to occur where an incoming Post Only Order is priced more aggressively than the order with a Super Aggressive instruction resting on the BYX Book, regardless of whether the incoming Post Only Order was designated as a displayed order or a non-displayed order.[10]

The Exchange notes that Users seeking to act as a liquidity remover once resting on the BYX Book in all cases (*i.e.,* seeking to execute against incoming Post Only orders regardless of the display instruction) would be able to attach the Non-Displayed Swap (''NDS'') instruction to their order.[11] The NDS instruction is similar to the Super Aggressive instruction, in that it also would be an optional order instruction that a User may include on an order that directs the Exchange to have such order, when resting on the BYX Book, execute against an incoming Post Only Order rather than have it be locked by the incoming order. Under BYX Rules, because orders with either instruction (*i.e.,* Super Aggressive and NDS) would execute against incoming Post Only Orders regardless of whether the order is to be displayed, the instructions are currently identical with two exceptions. First, an order with a Super Aggressive instruction would not convert into a liquidity removing order and execute against a Post Only Order if there is an order on the order book with priority over such order that does not also contain a Super Aggressive instruction. As further described below, the Exchange is proposing to modify this feature of the Super Aggressive instruction. The second current distinction between the two instructions, which would remain, is that an order with a Super Aggressive instruction can be displayed on the Exchange whereas an order with the NDS instruction must be non-displayed. As amended, the additional distinction between the two instructions would be whether an order would become a liquidity removing order against any Post Only Order that would lock it (*i.e.,* NDS) or only when the Post Only Order that would lock it also is a displayed order (*i.e.,* Super Aggressive).

The below examples illustrate the proposed behavior should the Exchange propose to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange.[12] Assume the National Best Bid and Offer (''NBBO'') is $10.00 by $10.10. An order to buy is displayed on the BYX Book at $10.00 with a Super Aggressive instruction. There are no other orders resting on the BYX Book. An order to sell at $10.00 with a Post Only that is designated as a displayed order is entered. The incoming order to sell would execute against the resting order to buy at $10.00, the locking price, because the incoming order was designated as a displayed order. The order to buy would act as the liquidity remover and the order to sell would act as the liquidity adder. However, no execution would occur if the incoming order to sell was designated as a non-displayed order. Instead, the incoming order to sell would be posted non-displayed to the BYX Book at $10.00, its limit price, causing the BYX Book to be internally locked.

Second, the Exchange proposes to enable a Post Only Order that is designated as a displayed order to execute against an equally priced non-displayed order with a Super Aggressive instruction where a non-displayed order without a Super Aggressive instruction maintains time priority over the Super Aggressive eligible order at that price. In such case, the non-displayed, non-Super Aggressive order would seek to remain a liquidity provider and would cede time priority to the order with a Super Aggressive instruction, which is willing to act as a liquidity remover to facilitate the execution. The Exchange proposes to effect this change by modifying language in the description of the Super Aggressive instruction to state that if an order *displayed on the BYX Book* does not contain a Super Aggressive instruction and maintains higher priority than one or more Super Aggressive eligible orders, the Super Aggressive eligible order(s) with lower priority will not be converted and the incoming Post Only Order will be posted or cancelled in accordance with Exchange Rule 11.9(c)(6) or Rule 11.9(c)(7). Thus, an order with a Super Aggressive instruction, whether displayed on the Exchange or non-displayed, would never execute ahead of a displayed order that maintains time priority.

Should the Exchange determine to change its fee schedule, the operation of the Super Aggressive instruction with respect to incoming contra-side orders received by the Exchange, would be designed to facilitate executions that would otherwise not occur due to the Post Only Order requirement to not remove liquidity. Users entering orders with the Super Aggressive instruction tend to be fee agnostic because an order with a Super Aggressive instruction is willing to route to an away Trading Center displaying an equally or better priced order (*i.e.,* pay a fee at such Trading Center). Meanwhile, an order without the Super Aggressive instruction elects to remain on the BYX Book as the liquidity provider until it may execute against an incoming order that would act as the liquidity remover.

liquidity, Post Only Orders are not booked/displayed if there is contra-side interest and instead remove liquidity against resting interest. Accordingly, an order with a Super Aggressive instruction will not be converted under the current fee schedule.

[9] *But see supra* note 8.

[10] *See id.*

[11] *See* Exchange Rule 11.9(c)(12).

[12] *See supra* note 8.

Therefore, if the fee schedule is changed in the future, the proposed change to enable the Super Aggressive order to execute against an incoming order, regardless of whether a non-displayed order without a Super Aggressive instruction maintains priority, would be consistent with the User's intent for both orders—one choses to remain the liquidity provider and forgo the execution while the other is willing to execute irrespective of whether it is the liquidity provider or remover. The Exchange notes that similar behavior occurs for orders utilizing the NDS instruction,[13] which also would seek to engage in a liquidity swap against incoming Post Only Orders. The Exchange, however, has proposed to retain the existing limitation with respect to orders displayed on the BYX Book.

The following example illustrates the operation of an order with a Super Aggressive instruction under the proposed rule change should the Exchange propose to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange.[14] Assume the NBBO is $10.00 by $10.04. There is a non-displayed Limit Order to buy resting on the BYX Book at $10.03 (''Order A''). A second non-displayed Limit Order to buy at $10.03 is then entered with a Super Aggressive instruction and has time priority behind the first Limit Order (''Order B''). A Post Only Order to sell priced at $10.03 is entered. Under current behavior, the incoming sell Post Only Order would not execute against Order A and would post to the BYX Book[15] because the value of such execution against the resting buy order when removing liquidity does not equal or exceed the value of such execution if the order instead posted to the BYX Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. Further, the incoming sell Post Only Order could not execute against Order B because Order A is on the BYX Book and maintains time priority over Order B. Under the proposed change, the incoming sell order, if it was designated as a displayed order, would execute against Order B and Order B would become the remover of liquidity while the incoming sell Post Only Order would become the liquidity provider. In such case, Order A cedes priority to Order B because Order A did not also include a Super Aggressive instruction[16] and thus the User that submitted the order did not indicate the preference to be treated as the remover of liquidity in favor of an execution; instead, by not using Super Aggressive, a User indicates the preference to remain posted on the BYX Book as a liquidity provider. However, if the incoming sell order was priced at $10.02, it would receive sufficient price improvement to execute upon entry against all resting buy Limit Orders in time priority at $10.03.[17] Also, if Order A was displayed on the BYX Book, no execution would occur, as the proposed change would only apply to non-displayed liquidity.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[18] in general, and furthers the objectives of Section 6(b)(5) of the Act[19] in particular, in that it is designed 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 proposed changes to the Super Aggressive order instruction are designed 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 Super Aggressive instruction is an optional feature that is intended to reflect the order management practices of various market participants. The proposal to limit the execution of an order with a Super Aggressive instruction to execute against incoming Post Only Orders that also are designated as displayed orders promotes just and equitable principles of trade because it would enable Users to elect an order instruction consistent with their intent to execute only against displayed orders, in part, for best execution purposes. The amended Super Aggressive instruction would ensure executions at the best available price displayed on another Trading Center or against an incoming order that would have been displayed on the BYX Book. Users seeking to act as a liquidity remover once resting on the BYX Book and execute against an incoming Post Only Order that is also designated as a non-displayed order may attach the NDS instruction to their order.[20]

Should the Exchange determine to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange, the proposed change to the Super Aggressive instruction would also remove impediments to and perfect the mechanism of a free and open market and a national market system because it would be designed to facilitate executions that would otherwise not occur due to the Post Only Order requirement to not remove liquidity under such amended fee schedule.[21] The proposal enables non-displayed Super Aggressive orders to execute against an incoming order, regardless of whether another non-displayed order without a Super Aggressive instruction maintains priority consistent with the User's intent for both orders—one chooses to remain the liquidity provider and forgo the execution while the other is willing to execute irrespective of whether it is the liquidity provider or remover. The non-Super Aggressive order would seek to remain a liquidity provider and would cede its time priority to the order with a Super Aggressive instruction, which would be willing to act as a liquidity remover to facilitate the execution. It also would enable an order without the Super Aggressive instruction to remain on the BYX Book as a liquidity provider, consistent with the expected operation of their resting order. The Exchange notes that similar behavior occurs for orders utilizing the NDS[22] instruction, which also seeks to engage in a liquidity swap against incoming Post Only Orders. Finally, by limiting the proposed change to non-displayed orders, the proposal would remain consistent with NDS and also would retain existing functionality with respect to the handling of displayed orders.

[13] *See* Exchange Rule 11.9(c)(12). *See also* Securities Exchange Act Release No. 83536 (June 28, 2018), (SR–CboeBYX–2018–009) (including an example where an order cedes execution priority to an order with an NDS instruction).

[14] *See supra* note 8.

[15] Such order would be posted to the BYX Book in accordance with the Exchange's re-pricing instructions to comply with Rule 610(d) of Regulation NMS. *See* Exchange Rules 11.9(g)(1) and (g)(2). *See also* 242 CFR 242.610(d).

[16] This behavior is consistent with the operation of the Exchange's NDS instruction. *See supra* note 13.

[17] The execution occurs here because the value of the execution against the buy order when removing liquidity exceeds the value of such execution if the order instead posted to the BYX Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. *See supra* note 8.

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *See* Exchange Rule 11.9(c)(12).

[21] *See supra* note 8.

[22] *See supra* note 13.

For the reasons set forth above, the Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange notes that there will be no burden on competition based on the Exchange's current fee schedule, because as described above, Post Only Orders remove against resting contra-side interest on entry, and thus, the revised functionality is inapplicable.[23] Further, in the event the Exchange modifies its fee schedule, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed changes to the Super Aggressive order instruction are intended to improve the usefulness of the instruction and to align its operation with the intention of the User, resulting in enhanced competition through increased usage and execution quality on the Exchange. Thus, to the extent the change is intended to improve functionality on the Exchange to encourage Users to direct their orders to the Exchange, the change is competitive, but the Exchange does not believe the proposed change will result in any burden on intermarket competition as it is a minor change to available functionality. The proposed changes to the Super Aggressive order instruction also promote intramarket competition because they will facilitate the execution of orders that would otherwise remain unexecuted consistent with the intent of the User entering the order, thereby increasing the efficient functioning of the Exchange. Further, the Super Aggressive order instruction will remain available to all Users in the same way it is today. Thus, Users can continue to choose between various optional order instructions, including Super Aggressive, NDS, and others, depending on the order handling they prefer the Exchange to utilize. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[23] *See supra* note 8.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[24] and subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[26] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, BYX requested that the Commission waive the 30-day operative delay so that the Exchange can implement the proposed rule change promptly after filing. The proposed changes to the Super Aggressive instruction would not impact trading under the current pricing schedule, but the Exchange noted that it intends to update its systems to implement the proposed changes on a similar schedule to its affiliates.[27] BYX indicated its desire to maintain rules and functionality similar to its affiliated exchanges and noted that the proposed rule changes would be relevant if the Exchange decides to alter its pricing.

Should BYX determine to change its fee schedule such that the Post Only functionality is more relevant to the operation of the Exchange, BYX stated that the proposal to allow an order with a Super Aggressive instruction to execute against an incoming Post Only order only if the Post Only order is displayable would be consistent with the use of the Super Aggressive instruction to access liquidity displayed on other Trading Centers. Further, according to the Exchange, users seeking to execute against incoming non-displayable Post Only orders would continue to be able to attach the NDS order instruction, as well as other order instructions that may permit such executions. In addition, the Exchange stated that the proposed priority change where non-displayed orders without a Super Aggressive instruction would cede priority to non-displayed orders with a Super Aggressive instruction is similar to, and consistent with, the Exchange's priority ceding functionality for orders with an NDS instruction and would facilitate executions that would otherwise not occur due to an incoming Post Only order's requirement not to remove liquidity.

The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, as such waiver will permit the Exchange to promptly update its rules and systems to maintain consistency with its affiliate exchanges. The Commission also notes that the proposed rule change relates to optional functionality that is consistent with existing functionality and, if selected by Exchange users, may enable them to better manage their orders and may increase order interaction on the Exchange in the event the Exchange changes its fee schedule such that the Post Only functionality is more relevant to the operation of the Exchange. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[28]

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.

[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] *See* note 4 *supra.*

[28] 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).

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–2018–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2018–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2018–012, and should be submitted on or before August 24, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–16596 Filed 8–2–18; 8:45 am]

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[29] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83739; File No. SR–CboeEDGA–2018–013]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Exchange Rule 11.6, Definitions, To Amend the Operation of the Super Aggressive Order Instruction

July 30, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19–4 thereunder,[2] notice is hereby given that on July 16, 2018, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposed rule change to amend paragraph (n)(2) of Exchange Rule 11.6 related to Super Aggressive order instructions.

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the description of the Super Aggressive instruction under paragraph (n)(2) of Exchange Rule 11.6, Routing/Posting Instructions to: (i) Specify that an incoming order with a Post Only instruction that would lock a resting order with a Super Aggressive instruction must include a Displayed instruction for the order with a Super Aggressive instruction to engage in a liquidity swap and execute against that incoming order; and (ii) modify language from the description of the Super Aggressive instruction that states if an order that does not contain a Super Aggressive instruction maintains higher priority than one or more Super Aggressive eligible orders, the Super Aggressive eligible order(s) with lower priority would not be converted and the incoming order with a Post Only instruction would be posted or cancelled in accordance with Exchange Rule 11.6(n)(4).[5]

At the outset, the Exchange notes that based on the Exchange's current pricing schedule, because EDGA offers rebates to remove liquidity and charges fees to add liquidity, orders with a Post Only instruction remove liquidity on entry against resting interest and are not booked/displayed if there is contra-side interest. As such, the descriptions below of the changes to Rule 11.6(n)(2), including the examples of the revised operation of the Super Aggressive functionality are currently inapplicable because orders with a Post Only instruction execute against resting liquidity first, before the logic discussed below is triggered. However, consistent with its prior practice, the Exchange is proposing the changes to Rule 11.6(n)(2) related to the Super Aggressive instruction in this filing in order to retain consistent rules and functionality with its affiliated exchanges[6] to the

[5] The Exchange also proposes to remove the extraneous word ''solely'' from the second sentence of Rule 11.6(n)(2). The removal of this word does not alter the operation of the Super Aggressive order instruction.

[6] The Exchange notes that its affiliates, Cboe BZX Exchange, Inc. and Cboe EDGX Exchange, Inc., also recently filed to adopt the functionality described in this filing and such functionality is applicable on such exchanges because orders equivalent to orders with a Post Only instruction can be entered on such exchanges and do not always remove against contra-side interest on entry pursuant to such exchanges' fee schedules. *See* SR–CboeBZX–2018–051 and SR–CboeEDGX–2018–025, each filed July 11, 2018.

extent the Exchange decides to propose changes to its fee structure in the future such that ''Post Only'' functionality is more relevant to the operation of the Exchange.

Super Aggressive is an optional order instruction that directs the System [7] to route an order when an away Trading Center locks or crosses the limit price of the order resting on the EDGA Book.[8] If an order with a Super Aggressive instruction were to be locked by an incoming order with a Post Only instruction that does not remove liquidity pursuant to Rule 11.6(n)(4),[9] the order with a Super Aggressive instruction would be converted to an executable order and would remove liquidity against such incoming order.

First, the Exchange proposes to modify the Super Aggressive instruction to require that the incoming order with a Post Only instruction that would lock a resting order with a Super Aggressive instruction must include a Displayed instruction for an execution to occur. The Super Aggressive instruction is generally utilized for best execution purposes because it enables the order to immediately attempt to access displayed liquidity on another Trading Center that is either priced equal to or better than the order with a Super Aggressive instruction's limit price. The Super Aggressive instruction would also enable the order to execute against an equally priced incoming order with a Post Only instruction that would otherwise not execute by being willing to act as the liquidity remover in such a scenario.[10] Under EDGA Rules, the incoming order with a Post Only instruction could include either a Displayed or Non-Displayed instruction for it to engage in a liquidity swap with an order with a Super Aggressive instruction resting on the EDGA Book.

Consistent with the Super Aggressive instruction to access liquidity displayed on other Trading Centers, the Exchange proposes to amend the Super Aggressive instruction such that an order with such instruction would execute against an equally priced incoming order with a Post Only instruction only when such order would be displayed on the EDGA Book. The order with a Super Aggressive instruction would act as a liquidity remover in such a scenario. Should an equally priced incoming order with a Post Only instruction not include a Displayed instruction, the resting order with a Super Aggressive instruction would remain on the EDGA Book and await an execution where it may act as a liquidity provider. An incoming order with a Post Only instruction and a Non-Displayed instruction would be posted to the EDGA Book at its limit price, creating an internally locked non-displayed book. As is the case today, an execution would continue to occur where an incoming order with a Post Only instruction is priced more aggressively than the order with a Super Aggressive instruction resting on the EDGA Book, regardless of whether the incoming order included a Displayed or Non-Displayed instruction.[11]

The Exchange notes that Users seeking to act as a liquidity remover once resting on the EDGA Book in all cases (*i.e.,* seeking to execute against incoming Post Only orders regardless of the display instruction) would be able to attach the Non-Displayed Swap (''NDS'') instruction to their order.[12] The NDS instruction is similar to the Super Aggressive instruction, in that it also would be an optional order instruction that a User may include on an order that directs the Exchange to have such order, when resting on the EDGA Book, execute against an incoming order with a Post Only instruction rather than have it be locked by the incoming order. Under EDGA Rules, because orders with either instruction (*i.e.,* Super Aggressive and NDS) would execute against incoming orders with a Post Only instruction regardless of whether the order is to be displayed, the instructions are currently identical with two exceptions. First, an order with a Super Aggressive instruction would not convert into a liquidity removing order and execute against an order with a Post Only instruction if there is an order on the order book with priority over such order that does not also contain a Super Aggressive instruction. As further described below, the Exchange is proposing to modify this feature of the Super Aggressive instruction. The second current distinction between the two instructions, which would remain, is that an order with a Super Aggressive instruction can be displayed on the Exchange whereas an order with the NDS instruction must be non-displayed. As amended, the additional distinction between the two instructions would be whether an order would become a liquidity removing order against any order with a Post Only instruction that would lock it (*i.e.,* NDS) or only when the order with a Post Only instruction that would lock it also contains a Displayed instruction (*i.e.,* Super Aggressive).

The below examples illustrate the proposed behavior should the Exchange propose to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange.[13] Assume the National Best Bid and Offer (''NBBO'') is $10.00 by $10.10. An order to buy is displayed on the EDGA Book at $10.00 with a Super Aggressive instruction. There are no other orders resting on the EDGA Book. An order to sell at $10.00 with a Post Only and Displayed instruction is entered. The incoming order to sell would execute against the resting order to buy at $10.00, the locking price, because the incoming order included a Displayed instruction. The order to buy would act as the liquidity remover and the order to sell would act as the liquidity adder. However, no execution would occur if the incoming order to sell included a Non-Displayed instruction. Instead, the incoming order to sell would be posted non-displayed to the EDGA Book at $10.00, its limit price, causing the EDGA Book to be internally locked.

Second, the Exchange proposes to enable an incoming order with a Post Only instruction and Displayed instruction to execute against an equally priced non-displayed order with a Super Aggressive instruction where a non-displayed order without a Super Aggressive instruction maintains time priority over the Super Aggressive eligible order at that price. In such case, the non-displayed, non-Super Aggressive order would seek to remain a liquidity provider and would cede time priority to the order with a Super Aggressive instruction, which is willing to act as a liquidity remover to facilitate the execution. The Exchange proposes to effect this change by modifying language in the description of the Super Aggressive instruction to state that if an order *displayed on the EDGA Book* does

[7] The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away.'' *See* Exchange Rule 1.5(cc).

[8] *See* Exchange Rule 1.5(d).

[9] The Exchange will execute an order with a Post Only instruction priced at or above $1.00 in certain circumstances where the value of such execution when removing liquidity equals or exceeds the value of such execution if the order instead posted to the EDGA Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. *See* Exchange Rule 11.6(n)(4). As noted above, due to the current EDGA pricing schedule, which offers rebates to remove liquidity, orders with a Post Only instruction are not booked/displayed if there is contra-side interest and instead remove liquidity against resting interest. Accordingly, an order with a Super Aggressive instruction will not be converted under the current fee schedule.

[10] *But see supra* note 9.

[11] *See id.*

[12] *See* Exchange Rule 11.6(n)(7).

[13] *See supra* note 9.

not contain a Super Aggressive instruction and maintains higher priority than one or more Super Aggressive eligible orders, the Super Aggressive eligible order(s) with lower priority will not be converted and the incoming order with a Post Only instruction will be posted or cancelled in accordance with Exchange Rule 11.6(n)(4). Thus, an order with a Super Aggressive instruction, whether displayed on the Exchange or non-displayed, would never execute ahead of a displayed order that maintains time priority.

Should the Exchange determine to change its fee schedule, the operation of the Super Aggressive instruction with respect to incoming contra-side orders received by the Exchange, would be designed to facilitate executions that would otherwise not occur due to the Post Only instruction requirement to not remove liquidity. Users entering orders with the Super Aggressive instruction tend to be fee agnostic because an order with a Super Aggressive instruction is willing to route to an away Trading Center displaying an equally or better priced order (*i.e.,* pay a fee at such Trading Center). Meanwhile, an order without the Super Aggressive instruction elects to remain on the EDGA Book as the liquidity provider until it may execute against an incoming order that would act as the liquidity remover. Therefore, if the fee schedule is changed in the future, the proposed change to enable the Super Aggressive order to execute against an incoming order, regardless of whether a non-displayed order without a Super Aggressive instruction maintains priority, would be consistent with the User's intent for both orders—one choses to remain the liquidity provider and forgo the execution while the other is willing to execute irrespective of whether it is the liquidity provider or remover. The Exchange notes that similar behavior occurs for orders utilizing the NDS instruction,[14] which also would seek to engage in a liquidity swap against incoming orders with a Post Only instruction. The Exchange, however, has proposed to retain the existing limitation with respect to orders displayed on the EDGA Book.

The following example illustrates the operation of an order with a Super Aggressive instruction under the proposed rule change should the Exchange propose to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange.[15] Assume the NBBO is $10.00 by $10.04. There is a non-displayed Limit Order to buy resting on the EDGA Book at $10.03 (''Order A''). A second non-displayed Limit Order to buy at $10.03 is then entered with a Super Aggressive instruction and has time priority behind the first Limit Order (''Order B''). An order to sell with a Post Only instruction priced at $10.03 is entered. Under current behavior, the incoming sell order with a Post Only instruction would not execute against Order A and would post to the EDGA Book[16] because the value of such execution against the resting buy order when removing liquidity does not equal or exceed the value of such execution if the order instead posted to the EDGA Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. Further, the incoming sell order with a Post Only instruction could not execute against Order B because Order A is on the EDGA Book and maintains time priority over Order B. Under the proposed change, the incoming sell order, if it contained a Displayed instruction, would execute against Order B and Order B would become the remover of liquidity while the incoming sell order with a Post Only instruction would become the liquidity provider. In such case, Order A cedes priority to Order B because Order A did not also include a Super Aggressive instruction[17] and thus the User that submitted the order did not indicate the preference to be treated as the remover of liquidity in favor of an execution; instead, by not using Super Aggressive, a User indicates the preference to remain posted on the EDGA Book as a liquidity provider. However, if the incoming sell order was priced at $10.02, it would receive sufficient price improvement to execute upon entry against all resting buy Limit Orders in time priority at $10.03.[18] Also, if Order A was displayed on the EDGA Book, no execution would occur, as the proposed change would only apply to non-displayed liquidity.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[19] in general, and furthers the objectives of Section 6(b)(5) of the Act[20] in particular, in that it is designed 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 proposed changes to the Super Aggressive order instruction are designed 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 Super Aggressive instruction is an optional feature that is intended to reflect the order management practices of various market participants. The proposal to limit the execution of an order with a Super Aggressive instruction to execute against incoming orders with a Post Only instruction that also contain a Displayed instruction promotes just and equitable principles of trade because it would enable Users to elect an order instruction consistent with their intent to execute only against displayed orders, in part, for best execution purposes. The amended Super Aggressive instruction would ensure executions at the best available price displayed on another Trading Center or against an incoming order that would have been displayed on the EDGA Book. Users seeking to act as a liquidity remover once resting on the EDGA Book and execute against an incoming order with a Post Only and Non-Displayed instruction may attach the NDS instruction to their order.[21]

Should the Exchange determine to change its fee schedule such that ''Post Only'' functionality is more relevant to the operation of the Exchange, the proposed change to the Super Aggressive instruction would also remove impediments to and perfect the mechanism of a free and open market and a national market system because it would be designed to facilitate

[14] *See* Exchange Rule 11.6(n)(7). *See also* Securities Exchange Act Release No. 83521 (June 26, 2018) (SR-CboeEDGA–2018–011) (including an example where an order cedes execution priority to an order with an NDS instruction).

[15] *See supra* note 9.

[16] Such order would be posted to the EDGA Book in accordance with the Exchange's re-pricing instructions to comply with Rule 610(d) of Regulation NMS. *See* Exchange Rule 11.6(l)(1). *See also* 242 CFR 242.610(d).

[17] This behavior is consistent with the operation of the Exchange's NDS instruction. *See supra* note 14.

[18] The execution occurs here because the value of the execution against the buy order when removing liquidity exceeds the value of such execution if the order instead posted to the EDGA Book and subsequently provided liquidity, including the applicable fees charged or rebates provided. *See supra* note 9.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *See* Exchange Rule 11.6(n)(7).

executions that would otherwise not occur due to the Post Only instruction requirement to not remove liquidity under such amended fee schedule.[22] The proposal enables non-displayed Super Aggressive orders to execute against an incoming order, regardless of whether another non-displayed order without a Super Aggressive instruction maintains priority consistent with the User's intent for both orders—one chooses to remain the liquidity provider and forgo the execution while the other is willing to execute irrespective of whether it is the liquidity provider or remover. The non-Super Aggressive order would seek to remain a liquidity provider and would cede its time priority to the order with a Super Aggressive instruction, which would be willing to act as a liquidity remover to facilitate the execution. It also would enable an order without the Super Aggressive instruction to remain on the EDGA Book as a liquidity provider, consistent with the expected operation of their resting order. The Exchange notes that similar behavior occurs for orders utilizing the NDS [23] instruction, which also seeks to engage in a liquidity swap against incoming orders with a Post Only instruction. Finally, by limiting the proposed change to non-displayed orders, the proposal would remain consistent with NDS and also would retain existing functionality with respect to the handling of displayed orders.

For the reasons set forth above, the Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange notes that there will be no burden on competition based on the Exchange's current fee schedule, because as described above, Post Only Orders remove against resting contra-side interest on entry, and thus, the revised functionality is inapplicable.[24] Further, in the event the Exchange modifies its fee schedule, the Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. On the contrary, the proposed changes to the Super Aggressive order instruction are intended to improve the usefulness of the instruction and to align its operation with the intention of the User, resulting in enhanced competition through increased usage and execution quality on the Exchange. Thus, to the extent the change is intended to improve functionality on the Exchange to encourage Users to direct their orders to the Exchange, the change is competitive, but the Exchange does not believe the proposed change will result in any burden on intermarket competition as it is a minor change to available functionality. The proposed changes to the Super Aggressive order instruction also promote intramarket competition because they will facilitate the execution of orders that would otherwise remain unexecuted consistent with the intent of the User entering the order, thereby increasing the efficient functioning of the Exchange. Further, the Super Aggressive order instruction will remain available to all Users in the same way it is today. Thus, Users can continue to choose between various optional order instructions, including Super Aggressive, NDS, and others, depending on the order handling they prefer the Exchange to utilize. Therefore, the Exchange does not believe the proposed rule change will result in any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [25] and subparagraph (f)(6) of Rule 19b–4 thereunder.[26]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [27] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. In its filing, EDGA requested that the Commission waive the 30-day operative delay so that the Exchange can implement the proposed rule change promptly after filing. The proposed changes to the Super Aggressive instruction would not impact trading under the current pricing schedule, but the Exchange noted that it intends to update its systems to implement the proposed changes on a similar schedule to its affiliates.[28] EDGA indicated its desire to maintain rules and functionality similar to its affiliated exchanges and noted that the proposed rule changes would be relevant if the Exchange decides to alter its pricing.

Should EDGA determine to change its fee schedule such that the Post Only functionality is more relevant to the operation of the Exchange, EDGA stated that the proposal to allow an order with a Super Aggressive instruction to execute against an incoming Post Only order only if the Post Only order is displayable would be consistent with the use of the Super Aggressive instruction to access liquidity displayed on other Trading Centers. Further, according to the Exchange, users seeking to execute against incoming non-displayable Post Only orders would continue to be able to attach the NDS order instruction, as well as other order instructions that may permit such executions. In addition, the Exchange stated that the proposed priority change where non-displayed orders without a Super Aggressive instruction would cede priority to non-displayed orders with a Super Aggressive instruction is similar to, and consistent with, the Exchange's priority ceding functionality for orders with an NDS instruction and would facilitate executions that would otherwise not occur due to an incoming Post Only order's requirement not to remove liquidity.

The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, as such waiver will permit the Exchange to promptly update its rules and systems to maintain consistency with its affiliate exchanges. The Commission also notes that the proposed rule change relates to optional functionality that is consistent with existing functionality and, if selected by Exchange users, may enable

[22] *See supra* note 9.

[23] *See supra* note 14.

[24] *See supra* note 9.

[25] 15 U.S.C. 78s(b)(3)(A)(iii).

[26] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[27] 17 CFR 240.19b-4(f)(6)(iii).

[28] *See* note 6 *supra.*

them to better manage their orders and may increase order interaction on the Exchange in the event the Exchange changes its fee schedule such that the Post Only functionality is more relevant to the operation of the Exchange. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[29]

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–CboeEDGA–2018–013 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–CboeEDGA–2018–013. 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–CboeEDGA–2018–013, and should be submitted on or before August 24, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–16597 Filed 8–2–18; 8:45 am]

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[29] 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).

[30] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83740; File No. SR–NYSE–2018–33]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Rule 2 To Remove Requirement That a Registered Broker-Dealer Be a Member of the Financial Industry Regulatory Authority, Inc. or Another National Securities Exchange

July 30, 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 July 25, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 2 to remove a requirement that a registered broker-dealer be a member of the Financial Industry Regulatory Authority, Inc. or another national securities 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 Exchange proposes to amend the definition of ''member organization'' under Rule 2 (''Member,'' ''Membership,'' ''Membership [sic] Firm,'' etc.) to remove a requirement that a registered broker-dealer seeking to be a member organization be a member of FINRA or another national securities exchange. In 2007, the Exchange amended Rule 2 to require FINRA membership as part of the consolidation of member firm regulatory functions of then NASD and NYSE Regulation, Inc. (''NYSE Regulation'') that resulted in a combined self-regulatory organization (''SRO'') that is now known as FINRA.[4] As part of the consolidation, NYSE Regulation and NASD sought to harmonize certain of their member firm rules. At that time, it was anticipated that the rule harmonization would not be completed by the time NASD and NYSE Regulation completed their combination. Therefore, the combination contemplated a transition period during which FINRA would apply to NYSE member organizations

[4] *See* Securities Exchange Act Release No. 56654 (October 12, 2007), 72 FR 59129 (October 18, 2007) (SR–NYSE–2007–67).

the member firm rules of the NYSE. A necessary part of this transition was for NYSE to require all NYSE member organizations to become FINRA members.[5] Prior to this time, FINRA membership was not a condition to become member organizations on the Exchange.

Subsequently, to enable more broker-dealers to become member organizations, the Exchange further amended Rule 2 to broaden the definition of ''member organization'' to include a registered broker-dealer that is not a member of FINRA but is a member of another national securities exchange.[6] Rule 2 repeats the requirement in Section 15(b)(8) of the Act[7] that requires member organizations that transact business with the public to be a member of FINRA. In addition, Rule 2 requires member organizations that conduct business on the Floor of the Exchange to be a member of FINRA, which is a requirement unique to the Exchange.[8]

On June 14, 2010, the NYSE, NYSE Regulation,[9] and FINRA entered into a Regulatory Services Agreement, whereby FINRA was retained to perform the market surveillance and enforcement functions that had previously been performed by the NYSE. Pursuant to the Regulatory Services Agreement, FINRA had been performing Exchange enforcement-related regulatory services, including investigating and enforcing violations of Exchange rules, and conducting disciplinary proceedings arising out of such enforcement actions, including those relating to NYSE-only rules and against dual members and non-FINRA members. In October 2014, the Exchange announced that, upon expiration of the current Regulatory Services Agreement on December 31, 2015, certain market surveillance, investigation and enforcement functions performed on behalf of the Exchange would be reintegrated. Accordingly, as of January 1, 2016, the Exchange began to perform certain of the market surveillance, investigation and enforcement functions that FINRA was retained to perform in 2010.

As a result of the reintegration of these various regulatory functions, the Exchange proposes to make membership more readily available to registered broker-dealers that are not FINRA members or members of another national securities exchange. As proposed, the term ''member organization'' under Rule 2(i) would be defined as ''a registered broker or dealer (unless exempt pursuant to the Securities Exchange Act of 1934) (the 'Act'), including sole proprietors, partnerships, limited liability partnerships, corporations, and limited liability corporations, approved by the Exchange pursuant to Rule 311.'' This proposed rule text is based in part on NYSE Arca, Inc. (''NYSE Arca'') Rule 2.3(a), which similarly provides that membership on that exchange ''may be held by any entity which is a registered broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934, as amended, including sole proprietors, partnerships, limited liability partnerships, corporations, and limited liability companies.''[10] The Exchange proposes to include a cross reference to Rule 311, which is the rule that governs formation and approval of an exchange member organization.

The Exchange believes that the proposed change to the definition of ''member organization'' can be made without any regulatory impact because member organizations will continue to be subject to a comprehensive regulatory regime regardless of whether they are a member of another SRO or not. As discussed above, the Exchange did not require member organizations to also be members of FINRA prior to 2007 and only required FINRA membership as part of the combination of NASD and NYSE Regulation staff to form FINRA. The Exchange later contracted with FINRA to perform certain market surveillance, investigation and enforcement functions on behalf of the Exchange.[11] However, since January 1, 2016, the Exchange is once again directly performing certain of those previously outsourced regulatory functions. For instance, the Exchange surveils and examines member organizations for compliance with its own rules and provisions of the federal securities laws governing various matters, including sales practices and trading activities and practices. The Exchange also investigates and enforces violations of Exchange rules and conducts disciplinary proceedings arising out of such enforcement actions. FINRA continues to perform, pursuant to a Regulatory Services Agreement with the Exchange, investigations and enforcement of matters arising from FINRA's cross-market surveillances, as well as from its examination of members of the NYSE.

The reasons behind initially requiring FINRA membership no longer exist. As it does today, and as was the case prior to 2007, the Exchange performs the necessary regulatory oversight of member organizations as outlined above. For those member organizations that are FINRA members, they will continue to be regulated pursuant to the terms of an existing allocation plan pursuant to Rule 17d–2 of the Act between FINRA[12] and the Exchange for compliance with common FINRA and Exchange rules. Under the oversight of the NYSE's regulatory unit, FINRA will continue to perform certain regulatory services pursuant to the Regulatory Services Agreement, including certain membership application review services, registration, testing, and continuing education services, education and training services, examination services, surveillance and investigation services, disciplinary services, ancillary regulatory services, and audit services for the Exchange.[13]

Rule 17d–1 of the Act authorizes the Commission to name a single SRO as the Designated Examining Authority (''DEA'') to examine members of more than one SRO (''common member'') for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[14] The NYSE does not currently act as the as the DEA for any member organization. Should the NYSE be assigned by the Commission as the DEA for a member organization and,

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 60318 (July 16, 2009), 74 FR 36797 (July 24, 2009) (SR–NYSE–2009–63).

[7] 15 U.S.C. 78*o*(b)(8).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 62355 (June 22, 2010), 75 FR 36729 (June 28, 2010) (SR–NYSE–2010–46).

[10] *See also* NYSE Arca Rule 1.1(n).

[11] *See* Securities Exchange Act Release No. 62355 (June 22, 2010), 75 FR 36729 (June 28, 2010) (SR–NYSE–2010–46).

[12] *See* Securities Exchange Act Release No. 60409 (July 30, 2009), 74 FR 39353 (August 6, 2009) (Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Declaring Effective a Proposed Plan for the Allocation of Regulatory Responsibilities Among the Financial Industry Regulatory Authority, Inc., New York Stock Exchange LLC, NYSE Regulation, Inc. and NYSE Amex LLC). *See, e.g.,* Securities Exchange Act Release Nos. 78473 (August 3, 2016), 81 FR 52722 (August 9, 2016) (Multiparty 17d–2 Plan Relating to the Surveillance, Investigation, and Enforcement of Insider Trading Rules); *and* 79928 (February 2, 2017), 82 FR 9814 (February 8, 2017) (Regulation NMS Multiparty 17d–2 Plan).

[13] The Exchange has also entered into Regulatory Services Agreements with FINRA covering member compliance with the Tick Size Pilot Program's data collection and reporting requirements as well as for investigations and enforcement activities related to insider trading.

[14] 17 CFR 240.17d–1. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices, which the Exchange will retain and continue to perform.

therefore be required to examine that member organization for compliance with the financial responsibility requirements pursuant to Rule 17d–1 of the Act, FINRA will perform those duties on behalf of the Exchange pursuant to the same Regulatory Services Agreement and under the continued oversight of the NYSE's regulatory unit.[15]

The Exchange also proposes to make various related changes to the rule. Because Section 15(b)(8) of the Act[16] requires broker-dealers that transact with the public to be FINRA members, the Exchange proposes to remove this requirement from its definition of member organization as redundant. Consistent with the proposed amendment, Rule 2(i) would also no longer require that a member organization that conducts business on the Floor of the Exchange to [sic] be a FINRA member. The Exchange also proposes to amend paragraph (ii) of Rule 2 to remove references to being a member of FINRA or another national securities exchange. These provisions and references to FINRA would no longer be necessary in the Exchange's rules since membership in FINRA, or another SRO, would no longer be required as a condition to becoming a members [sic] organization on the Exchange. Those member organizations that transact business with the public would, however, continue to be required to be members of FINRA pursuant to Section 15(b)(8) of the Act.[17]

The definition of ''member organization'' under Rule 2 will continue to require a registered broker or dealer to be approved by the Exchange and authorized to designate an associated natural person to effect transactions on the floor of the Exchange or any facility thereof.

The Exchange proposes to delete the last sentence of Rule 2(i), which currently provides that member organizations include a natural person so registered, approved and licensed who directly effects transactions on the floor of the Exchange or any facility thereof. The Exchange does not currently have any natural persons that are member organizations of the Exchange, and, therefore, removing this language would not impact any current member organizations. The Exchange further believes that the addition of the reference to ''sole proprietor'' to Rule 2(i) would address any natural persons that seek to be approved as a member organization in the future. In addition, removing this sentence would also further harmonize the Exchange's membership requirements with its affiliate, NYSE Arca.[18]

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[19] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[20] 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed rule change would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, protect investors and the public interest by expanding the number of registered brokers-dealers that would be eligible to become NYSE member organizations and trade on the Exchange, while maintaining high regulatory standards and a comprehensive regulatory regime with respect to such firms. The Exchange notes that it did not require member organizations to also be members of FINRA prior to 2007. It only subsequently required FINRA membership to accommodate a transition period as part of the combination of NASD and NYSE Regulation to form FINRA. Since that time, the Exchange reintegrated numerous regulatory function performed by FINRA.[21] The reasons behind initially requiring FINRA membership no longer exist.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because member organization will continue to be subject to a comprehensive, mature, and rigorous regulatory program, regardless of whether they are members of FINRA or another SRO. As mentioned above, the Exchange will perform the necessary regulatory oversight of member organizations, as it did prior to 2007. Certain of the Exchange's regulatory obligations with respect to member organizations that are FINRA members are allocated to FINRA pursuant to the terms of allocation plan under Rule 17d-2 of the Act between FINRA and the Exchange.[22] For those member organizations that are not FINRA members, the Exchange will provide for certain of its regulatory responsibilities, including, if applicable, DEA responsibilities, pursuant to an existing Regulatory Services Agreement between the Exchange and FINRA.[23]

The proposed rule change would also contribute to perfecting the mechanism of a free and open market and a national market system, which outcomes are also consistent with the protection of investors and the public interest by aligning NYSE membership requirements more closely with those of the Exchange's affiliate, NYSE Arca.[24] In addition, the proposed rule change is not without additional precedent. For example, the rules of the Cboe do not require membership in FINRA or on another SRO to be a Trading Permit Holder on Cboe.[25] Finally, no federal securities law requires that a broker-dealer be a member of more than one national securities exchange or SRO

[15] Though FINRA would examine member organizations for which NYSE is the DEA on the NYSE's behalf, the NYSE would remain responsible under Rule 17d–1 to ensure that FINRA performs those regulatory duties in compliance with Act under the Regulatory Services Agreement. The Exchange notes that its affiliates, NYSE American LLC and NYSE Arca, Inc., have both been named by the Commission as DEAs for certain of their members and that FINRA examines those members as required by Rule 17d–1 of the Act pursuant to a Regulatory Services Agreement. In addition, Cboe Exchange, Inc. and Cboe C2 Exchange, Inc. (collectively, ''Cboe'') have also entered into Regulatory Services Agreements with FINRA under which FINRA performs, among other things, examination functions of Cboe members for which Cboe is DEA on Cboe's behalf. *See, FINRA Signs Regulatory Services Agreement with CBOE and C2, available at http://www.finra.org/newsroom/2014/finra-signs-regulatory-services-agreement-cboe-and-c2,* dated December 22, 2014. *See also, CBOE and C2 Enter into Agreements with FINRA Involving Regulatory Services, available at http://ir.cboe.com/press-releases/2014/dec-22–2014,* dated December 22, 2014. *See Regulatory Services, FINRA Exchange Solutions, available at http://www.finra.org/industry/regulatory-services* for a list of exchanges that FINRA provides examination services on behalf of.

[16] 15 U.S.C. 78*o*(b)(8).

[17] *Id.*

[18] *See supra* note 9.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] FINRA continues to perform pursuant to a Regulatory Services Agreement with the Exchange investigations and enforcement of matters arising from FINRA's cross-market surveillances, as well as from its examination of members of the NYSE.

[22] *See supra* note 12.

[23] *See supra* notes 14 and 15 and accompanying text.

[24] *See supra* note 9 and accompanying text.

[25] *See* Cboe Rules 3.2 and 3.3.

(*e.g.,* FINRA).[26] The Exchange's proposal would merely remove the requirement under its rules that broker-dealers be members of another SRO when they are not otherwise required to do so.

The proposed rule change would also not unfairly discriminate between or among market participants because both current and prospective members would be subject to the rule. All member organizations would be regulated in the same manner by the Exchange should they be a member of another SRO or not.

For these 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,[27] the Exchange believes that the proposed rule change will not 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 have a competitive impact because it is not intended to attract additional business to the Exchange. It is simply intended to align the definition of ''member organization'' with that of its affiliates [sic] and similar definitions of other national securities exchanges while ensuring the member organizations continue to be subject to comprehensive regulatory oversight. This proposal should also move to harmonize the membership requirements between the exchange and its affiliate NYSE Arca, thereby avoiding potential confusion.[28]

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–2018–33 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–2018–33. 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–2018–33 and should be submitted on or before August 24, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–16598 Filed 8–2–18; 8:45 am]

BILLING CODE 8011–01–P

[26] *See generally* 15 U.S.C. 78*o.*

[27] 15 U.S.C. 78f(b)(8).

[28] *See supra* note 9 and accompanying text.

[29] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83737; File No. SR–BOX–2018–20]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Withdrawal of Proposed Rule Change To Amend BOX Rule 7300 (Preferenced Orders) To Provide an Additional Allocation Preference to Preferred Market Makers

July 30, 2018.

On June 13, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rule 7300 (Preferenced Orders) to provide an additional allocation preference to Preferred Market Makers. The proposed rule change was published for comment in the **Federal Register** on July 2, 2018.[3] The Commission received one comment letter on the proposal.[4] On July 25, 2018, the Exchange withdrew the proposed rule change (SR–BOX–2018–20).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018–16595 Filed 8–2–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83525 (June 26, 2018), 83 FR 31006.

[4] *See* Letter to Brent J. Fields, Secretary, Commission, from Richard J. McDonald, Susquehanna International Group, LLP, dated July 23, 2018.

[5] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10484]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Miraculous Encounters: Pontormo From Drawing to Painting'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Miraculous Encounters: Pontormo from Drawing to Painting,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Morgan Library & Museum, New York, New York, from on or about September 7, 2018, until on or about January 6, 2019, at The J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about February 5, 2019, until on or about April 28, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 236–11 of July 27, 2018.

Jennifer Z. Galt,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–16659 Filed 8–2–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10485]

Notice of Public Meeting

The Department of State will conduct an open meeting at 9:30 a.m. on Thursday, August 30, 2018, in room 7P15–01 of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593. The primary purpose of the meeting is to prepare for the fifth session of the International Maritime Organization's (IMO) Sub-Committee on Carriage of Cargoes and Containers to be held at the IMO Headquarters, United Kingdom, September 10–14, 2018.

The agenda items to be considered include:

—Adoption of the agenda
—Decisions of other IMO bodies
—Amendments to the IGF Code and development of guidelines for low-flashpoint fuels
—Suitability of high manganese austenitic steel for cryogenic service and development of any necessary amendments to the IGC Code and the IGF Code
—Amendments to the IMSBC Code and supplements
—Amendments to the IMDG Code and supplements
—Amendments to the CSS Code with regard to weather-dependent lashing
—Unified interpretation of provisions of IMO safety, security and environment-related conventions
—Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas
—Biennial status report and provisional agenda for CCC 6
—Election of Chair and Vice-Chair for 2019
—Any other business
—Report to the Committees

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. To access the teleconference line, participants should call (202) 475–4000 and use Participant Code: 887 809 72. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Dr. Amy Parker, by email at *Amy.M.Parker@uscg.mil,* by phone at (202) 372–1423, or in writing at 2703 Martin Luther King Jr. Ave. SE Stop 7509, Washington DC 20593–7509 not later than August 23, 2018, six working days prior to the meeting. Requests made after August 23, 2018 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. USCG Headquarters is accessible by taxi, public transportation, and privately owned conveyance (upon request).

Joel C. Coito,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2018–16677 Filed 8–2–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for the Geary Corridor Bus Rapid Transit (BRT) Project (the project) in San Francisco, California. The project would provide bus rapid transit service along the Geary corridor from the Transbay Transit Center to 48th Avenue with dedicated bus-only lanes, higher-frequency bus service, new BRT stations, improvements to pedestrian features, and upgrades to traffic signals to optimize the bus service and transit signal priority within the project area. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577, or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m.

to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

Project name and location: The Geary Corridor Bus Rapid Transit (BRT) Project in San Francisco, California.

Project Sponsor: The San Francisco Municipal Transportation Authority (SFMTA), in coordination with San Francisco County Transportation Authority (SFCTA). *Project description:* The purpose of the Geary Corridor BRT Project is to enhance the performance, viability, and comfort level of transit and pedestrian travel along a 6.5-mile BRT corridor that connects to the Transbay Transit Center in northern San Francisco, California. The Geary corridor is a major thoroughfare, accommodating more than 50,000 daily person trips via public transit; auto volumes up to 44,000 vehicles per day; and tens of thousands of daily pedestrian trips. The project will implement BRT service with a combination of side-running and center-running bus-only lanes as well as within mixed-flow travel lanes along different segments of the 6.5-mile corridor. The project will implement higher-frequency bus service, new BRT stations, improvements to pedestrian features, and upgrades to traffic signals, including fiber-based transit signal priority to optimize bus service. Physical roadway and lane changes would occur between Market Street and 34th Avenue while bus service amenities and improvements would be provided along the Geary corridor from the Transbay Transit Center to 48th Avenue. The proposed project was the subject of the Geary Corridor Bus Rapid Transit Project Final Environmental Impact Statement (Final EIS)/Record of Decision (ROD), dated June 1, 2018. The project's notice of availability for the Final EIS was published in the **Federal Register** on June 15, 2018.

Final agency actions: Section 4(f) determination, dated June 1, 2018; Section 106 finding of no adverse effect on historic properties dated October 17, 2017; project-level air quality conformity; and ROD, dated June 1, 2018. Supporting documentation: The Geary Corridor Bus Rapid Transit Project Final Environmental Impact Statement (Final EIS) with Record of Decision, dated June 1, 2018.

Elizabeth S. Riklin,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2018–16684 Filed 8–2–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for the Regional Transportation Commission of Washoe County's (RTC's) Virginia Street Bus RAPID Transit Extension project in Washoe County, Nevada. The project includes construction of a 1.8-mile extension to its existing bus rapid transit service (the RAPID) operating in the Virginia Street corridor from its existing northern terminus at the 4th Street Station transfer terminal in Downtown Reno to the University of Nevada, Reno campus. The purpose of the project is to increase transit ridership and connectivity, enhance pedestrian safety, and improve accessibility to transit in the Virginia Street corridor. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of FTA actions announced herein for the listed public transportation project will be barred unless the claim is filed on or before December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577, or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including NEPA [42 U.S.C. 4321–4375], Section 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

Project name and location: The Regional Transportation Commission of Washoe County's (RTC's) Virginia Street Bus RAPID Transit Extension project in Washoe County, Nevada.

Project Sponsor: The Regional Transportation Commission of Washoe County's (RTC's). *Project description:* The project includes construction of a 1.8-mile extension to its existing bus rapid transit service (the RAPID) operating in the Virginia Street corridor from its existing northern terminus at the 4th Street Station transfer terminal in Downtown Reno to the University of

Nevada, Reno campus. The purpose of the project is to increase transit ridership and connectivity, enhance pedestrian safety, and improve accessibility to transit in the Virginia Street corridor. The project includes building five new RAPID stations and replacing three bus shelters with full RAPID stations; acquiring right-of-way; and creating exclusive bus lanes, traffic signal priority at five intersections, off-board fare collection, level boarding, and real-time bus arrival information at stations. The project also includes purchasing two electric buses, constructing two roundabouts at intersections to improve bus turning movements and enhance traffic operations and safety, and improving sidewalk and cross walk infrastructure to enhance the pedestrian and bicycle network and visibility in the corridor. Finally, the project includes parking and access management, utility relocations and drainage improvements. The project was the subject of the Virginia Street Bus RAPID Transit Extension Project Environmental Assessment, dated June 2018.

Final agency actions: Section 4(f) determination, dated June 12, 2018; Section 106 of the NHPA finding of No Adverse Effect, dated March 17, 2017; project-level air quality conformity; and Finding of No Significant Impact (FONSI), dated June 15, 2018.

Supporting documentation: The Virginia Street Bus RAPID Transit Extension Project Environmental Assessment in Washoe County, Nevada, dated June 2018.

Elizabeth S. Riklin,

Deputy Associate Administrator for Planning and Environment.

[FR Doc. 2018–16682 Filed 8–2–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0055]

New Car Assessment Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of public meeting; request for comments.

SUMMARY: NHTSA's New Car Assessment Program (NCAP) provides comparative information on the safety of new vehicles to assist consumers with vehicle purchasing decisions. Significant changes to NCAP have been either suggested by NHTSA or mandated by Congress in recent years. In December 2015, Congress mandated that NHTSA conduct a rulemaking requiring that crash avoidance information be placed on the Monroney label of new vehicles. Later that same month, NHTSA published a ''request for comments'' (RFC) in which it sought public comments on planned changes to NCAP. This notice announces a public meeting to obtain up-to-date stakeholder input on the way forward for NCAP.

DATES: NHTSA will hold the public meeting on September 14, 2018, from 9 a.m. to 5 p.m., Eastern Daylight Time. Check-in will begin at 8 a.m. Attendees should arrive by 8 a.m. to allow sufficient time for security clearance. In addition to this meeting, the public will have the opportunity to submit written comments to the docket for this notice concerning matters addressed in this notice.

ADDRESSES: The public meeting will be held at DOT Headquarters, located at 1200 New Jersey Avenue SE, Washington, DC 20590–0001 (Green Line Metro station at Navy Yard) in the Oklahoma City Conference Room. This facility is accessible to individuals with disabilities.

FOR FURTHER INFORMATION CONTACT: You may contact Ms. Jennifer N. Dang, Division Chief, New Car Assessment Program, Office of Crashworthiness Standards (Telephone: 202–366–1810).

SUPPLEMENTARY INFORMATION:

I. Background

This notice announces the holding of a public meeting on September 14, 2018, to obtain up-to-date stakeholder input for use in planning the future of NCAP. The impetus for this meeting comes from developments relating to two events in December 2015. On December 4, 2015, the Fixing America's Surface Transportation (FAST) [1] Act was signed into law, which includes a mandate that NHTSA conduct a rulemaking to require the incorporation of crash avoidance information on the vehicle price stickers (also known as the Monroney labels) placed on the windows of new vehicles. On December 16, 2015, NHTSA announced in a **Federal Register** ''request for comments'' (RFC) [2] its plan to add new tools and techniques to NCAP.

NHTSA received nearly 300 sets of written comments on its December 2015 RFC.[3] The commenters included vehicle manufacturers, automotive suppliers, associations of vehicle manufacturers and suppliers, consumer advocacy groups, universities, and other individuals and organizations interested in vehicle safety. NHTSA also received oral comments at two public hearings, the first in Detroit, Michigan on January 14, 2016, and the second at DOT Headquarters in Washington, DC on January 29, 2016.[4]

Commenters across the spectrum raised a number of issues involving both data and procedures. Commenters stated the public comment period was inadequate for purposes of responding because of the complexity of the program upgrade, and that the technical information supporting the RFC was not sufficient to allow a full understanding of the contemplated changes. According to the commenters, this hindered their ability to prepare substantive public comments.

In addition, most vehicle manufacturers stated that the significant cost burden due to fitment of the contemplated new technologies and the inclusion of a new crash test and new test devices would increase the price of new vehicles. Manufacturers, along with safety advocates, also expressed the need for data demonstrating that each proposed program change would provide enough safety benefits to warrant its inclusion in NCAP. Safety and consumer advocates recommended that NCAP award credit only if the technologies meet certain human machine interface requirements. In addition, several commenters suggested that NHTSA develop near-term and long-term roadmaps for NCAP and revise NCAP in a more gradual, ''phased'' approach.

Furthermore, commenters suggested that most of the planned NCAP upgrades, including the new rating system, should only be adopted through a process similar in rigor to that of a notice and comment rulemaking conducted under the Administrative Procedure Act. Lastly, certain vehicle manufacturers were concerned that changing future vehicle designs in order to respond to a NCAP upgrade would have an adverse effect on compliance with fuel economy and greenhouse gas emissions requirements.

In light of the public comments and NHTSA's FAST Act mandate, NHTSA is requesting oral and written comments from the public to help guide the Agency in planning its next steps for NCAP. The Agency continues to believe that NCAP needs to be modernized to

[1] §§ 24321–22, Public Law 114–94.

[2] 80 FR 78521, December 16, 2015.

[3] The comments are available in Docket No. NHTSA–2015–0119 at *www.regulations.gov.*

[4] The transcripts are available in Docket No. NHTSA–2015–0119 at *www.regulations.gov.*

incentivize the voluntary adoption of safety features. As part of that effort, the Agency is continuing to explore best methods for selecting and incorporating crash avoidance information on the vehicle price stickers.

NHTSA is considering various approaches to enhancing NCAP so that the program continues to serve the American public by providing useful, practical comparative vehicle safety information. For example, NHTSA could consider modifying the way NCAP provides meaningful consumer information about the safety potential of advanced crash avoidance technologies. Another strategy is to package information now available through NCAP in new ways, if they will be particularly effective in communicating vehicle safety information to targeted groups of new vehicle customers. Other NCAP enhancements on which the Agency seeks comment include strengthening the existing program's testing protocols and possibly creating safety ratings for areas of vehicle performance that are not currently rated.

From its inception, NCAP has played a significant role in educating consumers on vehicle safety as a key factor in their vehicle purchasing decisions. The increasing number of advanced crash avoidance technologies and Automated Driving Assistance Systems in vehicles underscores the importance of NCAP's role in educating consumers about vehicle safety. NCAP plays a vital role in ensuring that the potential benefits of advanced crash avoidance technologies are effectively communicated to the public. For example, NCAP could help standardize nomenclature of crash avoidance technologies by providing detailed descriptions of performance criteria that a technology must satisfy before being incorporated into NCAP testing.

NHTSA continues to gather information and conduct research relative to the areas discussed in the December 2015 RFC. Additionally, NHTSA is working to leverage the existing NCAP program to, among other things, improve the information it provides consumers, thereby increasing their awareness and understanding of certain safety improvements and enabling them to make better informed purchasing decisions. The Agency believes that a more thorough examination of which updates to NCAP are sufficiently supported by data and useful to consumers will ultimately lead to a better program that increases safety without unnecessarily increasing vehicle costs or impeding innovation.

II. Public Meeting Details

Registration: Registration is necessary for all attendees, due to limited space. Attendees must register online at *https://www.surveymonkey.com/r/NCAP-Public-Meeting* by September 7, 2018. Please provide your name, email address, and affiliation. Also, indicate whether you plan to participate actively in the meeting (speaking will be limited to 10 minutes per speaker for each of the four agenda topics, unless the number of registered speakers is such that more time per agenda topic will be available), and whether you require accommodations, such as a sign language interpreter.

Written Comments: Docket NHTSA–2018–0055 is available for written statements and supporting information regarding matters addressed in this notice. All interested persons, regardless of whether they attend or speak at the public meeting, are invited to submit written comments to the docket and are encouraged to do so. The formal docket comment period will close on [60 days from the publication date of this announcement], but NHTSA will continue to accept comments to the docket by any of the following methods:

- *Federal Rulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. EST, Monday through Friday, except Federal Holidays.
- *Fax:* 202–366–1767.

Instructions: All submissions must include the Agency name and docket number. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Docket: For access to the docket go to *https://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

Privacy Act: DOT posts all comments, without edit, to *https://www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.transportation.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

Confidential Business Information: If you wish to submit any written information under a claim of confidentiality, you should submit three copies of your complete written submission, including the information you claim to be confidential business information to the Chief Counsel, NHTSA, at 1200 New Jersey Avenue SE, Washington, DC 20590–0001. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should submit a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

The public meeting is structured to be a listening session in which NHTSA considers recommendations from the public on how best to improve NCAP. The list of questions below is not intended to limit the discussion or ideas to be presented at the listening session. It reflects areas in which NHTSA is requesting feedback relative to the next steps that could be taken with NCAP. NHTSA hopes these questions stimulate the thinking of those who plan to speak in the public meeting and/or submit written comments. Commenters may wish to use these questions to help organize and present their thoughts and ideas. Suggestions about other approaches to improving NCAP that are not reflected in these questions are encouraged as well.

Specific Guiding Questions: To help guide NHTSA gather information and feedback for use in planning the future of NCAP, the Agency seeks comments on the four topics below. NHTSA urges that, where possible, comments be supported by data and analysis to increase their usefulness. Please clearly indicate the source of such data.

A. Consumer Information

(1) NCAP strives to provide consumers with meaningful, comparative safety information that will assist them in making informed vehicle purchasing decisions. What changes could NHTSA make to the program that would better assist consumers in

understanding the relative safety of vehicles?

(2) NHTSA currently provides crash safety ratings on its website, on vehicle window stickers, on its mobile application, in communication materials, and through distribution (*i.e.,* to the automotive online community). What additional ways can the safety information generated by NCAP be most effectively communicated to today's consumers?

(3) What additional website functionality should NHTSA consider when presenting NCAP safety information to the public (*e.g.,* ranking based on performance, grouping based on vehicle class, comparing vehicles within a class, custom filtering, options to view all vehicles at once, interactive charts and graphics)?

(4) What types of safety information, or methods of presenting safety information, should NHTSA's NCAP [5] consider from other NCAPs [6] or consumer-focused organizations to provide more meaningful information to consumers? How can NCAP better complement other U.S. consumer rating programs, such as that of the Insurance Institute for Highway Safety (IIHS)? [7]

(5) In addition to safety ratings, what other safety information would be useful to prominently present on NHTSA's website, mobile application, and other venues to new vehicle buyers? How much benefit would there be in highlighting specific information to certain new vehicle buying demographics (*e.g.,* older drivers, teen drivers, family vehicles, urban/rural drivers, budget-conscious)? What types of objective criteria should NHTSA consider for this?

(6) Many new vehicles are equipped with pedestrian crash avoidance features. What value do vehicle buyers place on pedestrian crash avoidance features when selecting a new vehicle to purchase? Should NCAP consider pedestrian crash avoidance features when making program changes, and if so, how could a pedestrian component best be incorporated (*e.g.,* as part of a rating, or as a separate assessment)?

(7) The field of vehicle safety is more dynamic now than ever before because of technological advances. Today's vehicles undergo more frequent design changes; advanced crash avoidance technologies are being introduced at a rapid rate; and, software updates to safety systems can be made over-the-air, improving their existing abilities and even giving them new abilities. Given the accelerating pace of such advancements, should NCAP consider alternative ways of collecting test data and safety information (such as through self-certification or some other means) and how can NCAP collect data/information from vehicle manufacturers so that it can continue to convey accurate information to consumers in a timely manner (such as via an interactive database)?

(8) Other NCAPs have produced long-term roadmaps for their programs. Euro NCAP published program roadmaps to 2020 [8] and 2025.[9] What value would NHTSA, vehicle manufacturers, suppliers, and the public obtain by developing near-term and long-term roadmaps for U.S. NCAP?

B. Rating System

(9) What types of ratings are most useful to vehicle manufacturers for communicating safety information to consumers? Are star ratings still the best way to promote meaningful safety information? Are there alternatives that should be considered (*e.g.,* awards, numerical or percentage rankings, performance classifications (good vs. poor), half stars)? What are the advantages and disadvantages of these approaches?

(10) For a single, overall rating system covering many areas of safety (such as a 5-star rating), how can NHTSA apportion the testing and criteria to ensure that individual aspects of the rating will be properly weighted and balanced? What other strategies (*e.g.,* half stars, demerits, modifiers) should NHTSA consider for a single, overall rating system?

C. Crash Avoidance

(11) The FAST Act requires that crash avoidance information be presented next to crashworthiness information on the Monroney label.[10] (Implementation of this requirement will be the subject of a separate notice and comment proceeding). What approach should NHTSA consider in fulfilling this requirement that will be most helpful to consumers? Should NHTSA consider a rating (*i.e.,* stars), a list of technologies, an award, or another approach? What strategy can offer flexibility if new changes to the crash avoidance information is warranted?

(12) How can future crash avoidance aspects of NCAP complement other vehicle safety consumer information programs in the U.S.?

(13) Consumers are currently presented with a variety of advanced technology features on different vehicle models. Some are for convenience and some are designed for safety. Currently, a new advanced technology must meet four prerequisites to be added to NCAP. These include: (1) There is a known safety need, (2) vehicle and equipment designs that mitigate the safety need exist, or are available as a prototype, (3) a safety benefit can be estimated based on the anticipated performance of the existing or prototype design, and (4) a performance-based, objective test procedure can be developed to measure the ability of the technology to mitigate the safety issue.[11] How can NHTSA improve upon these strategies when determining which advanced technology features are appropriate for inclusion in NCAP? Should NHTSA also consider other factors (*e.g.,* effectiveness, fleet penetration, path to automation, consumer acceptance, cost)?

(14) NHTSA has been engaging the public on ways to safely integrate Automated Driving Systems on our nation's roads. What should NCAP's role be in supporting the safe integration of Advanced Driver Assistance Systems [12] that may lay the groundwork for Automated Driving Systems? Which crash avoidance elements, or aspects of automation, should NHTSA include in NCAP, and how could these be best evaluated (*e.g.,* by assessing the performance of a specific technology or the crash avoidance system during a crash event)?

(15) How should NHTSA's assessment of crash avoidance technology be combined with crashworthiness? If they are communicated in the same way, should there be an overall measure, or separate measures for crashworthiness and crash avoidance? If separate measures are preferred, should the measures be of the same type (*e.g.,* only ratings or only awards, etc.), or should the measures be a combination of different types (*e.g.,* ratings and awards, etc.)? Are there other strategies NHTSA

[5] NHTSA's program can be viewed at *https://www.nhtsa.gov/ratings.*

[6] Euro NCAP's program can be viewed at *https://www.euroncap.com/en/ratings-rewards/.*

[7] The Insurance Institute for Highway Safety's program can be viewed at *http://www.iihs.org/iihs/ratings.*

[8] *https://cdn.euroncap.com/media/16472/euro-ncap-2020-roadmap-rev1-march-2015.pdf.*

[9] *https://www.euroncap.com/en/press-media/press-releases/euro-ncap-launches-road-map-2025-in-pursuit-of-vision-zero/.*

[10] §§ 24321–22, Public Law 114–94.

[11] 78 FR 20599 (April 5, 2013).

[12] Advanced Driver Assistance Systems (ADAS) are systems developed to automate/enhance vehicle systems for safety and for better driving. For example, the vehicle can help the human driver steer and/or brake, though the human driver must pay full attention at all times and perform the rest of the driving task.

should consider, and what are their advantages and disadvantages?

(16) Currently, many crash avoidance technologies are sold as optional equipment on vehicles, and a variety of different advanced technology features may be available on different trim levels. How can NCAP best communicate whether crash avoidance technologies are standard vs. optional on a vehicle model or trim level to ensure consumers are given accurate information on the safety of the vehicle they are purchasing? How should equipment availability affect the ratings of vehicles? What metric should NHTSA use to determine when it is appropriate to remove an advanced technology from NCAP (*e.g.,* replace a technology once it reaches a high level of fleet penetration and replace it with a technology with a low level of penetration)?

D. Crashworthiness

(17) What are the opportunities for crashworthiness safety improvement? How should NHTSA approach consideration of new tests, test protocols or test devices, new injury criteria, risk curves, or additional occupants to be more reflective of real-world crashes? Could meaningful changes to injury criteria and risk curves be made to the current crash test dummies in the existing test configurations?

(18) Should NHTSA expand assessments beyond frontal and side crash testing? If so, how? For example, should NHTSA consider inclusion of other strategies, such as credit for enhanced seat belt reminders, or other technologies?

(19) How can the crashworthiness aspects of NCAP complement other vehicle safety consumer information programs in the U.S.? For example, are the crash modes, crash test dummies and injury criteria used in NCAP complementary to those used by the IIHS? Do they strike the right balance for the frontal and side impact crash configurations?

(20) Most new vehicles rated by NCAP are currently receiving 4- or 5-star ratings. These star ratings are based on how a vehicle's risk of injury reflected in NCAP tests compares to a baseline injury risk for all crash types that was derived from NHTSA crash data for MY 2007 and 2008 vehicles. In its July 11, 2008, **Federal Register** notice announcing enhancements to NCAP, NHTSA indicated that it would periodically review the crash performance of the vehicle fleet, as reflected by then-current NCAP test data.[13] However, NHTSA has not conducted any formal reviews or baseline risk adjustments to date. Should NHTSA now consider adjusting the baseline risks used in the ratings calculations to reflect the crash test data from today's vehicles? Or, would there be a better approach to update the crashworthiness program to better differentiate performance among the vehicle fleet (*e.g.,* new tests, dummies, injury criteria, etc.)?

(21) How frequently should NCAP change crashworthiness test requirements and/or update rating requirements to stay relevant with each new model year vehicle fleet? What effect would year-to-year changes have on (a) the credibility and understandability of information provided to consumers and (b) the manufacturers?

E. Meeting Agenda

8–9 a.m. Arrival/Check-in through security
9–9:10 a.m. Welcome remarks from NHTSA
9:10–11:10 a.m. Speakers on consumer information
11:10 a.m.–12:10 p.m. Speakers on rating system
12:10–1:15 p.m. Lunch (not provided)
1:15–3:15 p.m. Speakers on crash avoidance
3:15–4:15 p.m. Speakers on crashworthiness
4:15–4:50 p.m. Speakers on other topics
4:50–5 p.m. Closing remarks from NHTSA

Under authority delegated in 49 CFR 1.95 and 501.5.

Issued in Washington, DC on: July 27, 2018.

Heidi R. King,

Deputy Administrator.

[FR Doc. 2018–16653 Filed 8–2–18; 8:45 am]

BILLING CODE 4910–59–P

[13] 78 FR 20603.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Appraisal Management Companies

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Appraisal Management Companies.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by September 4, 2018.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0324, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street, SW, suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0324'' in your comment. In general, the OCC will publish them on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0324, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-Day comment period for

[1] On March 23, 2018, the OCC published a 60-Day notice for this information collection. The comments can be viewed on *www.reginfo.gov.* Please follow the instructions listed in this notice to view them.

this notice by any of the following methods:

• *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0324'' or ''Appraisal Management Companies.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

• *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street, SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street, SW, suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC requests that OMB extend its approval of the following collection:

Title: Appraisal Management Companies.

OMB Control No.: 1557–0324.

Affected Public: Business or other for-profit.

Type of Review: Regular review.

Abstract: The OCC, Board of Governors of the Federal Reserve System (FRB), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA), Consumer Financial Protection Bureau (Bureau), and Federal Housing Finance Agency (FHFA) (Agencies) have rules implementing the minimum requirements in section 1473 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to be applied by States in the registration and supervision of appraisal management companies (AMCs). The Agencies have also implemented the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) the information required by the Appraisal Subcommittee (ASC) to administer the new national registry of appraisal management companies (AMC National Registry or Registry).

State Recordkeeping Requirements

States seeking to register AMCs must have an AMC registration and supervision program. Section 34.213(a) requires each participating State to establish and maintain within its appraiser certifying and licensing agency a registration and supervision program with the legal authority and mechanisms to: (i) Review and approve or deny an application for initial registration; (ii) periodically review and renew, or deny renewal of, an AMC's registration; (iii) examine an AMC's books and records and require the submission of reports, information, and documents; (iv) verify an AMC's panel members' certifications or licenses; (v) investigate and assess potential law, regulation, or order violations; (vi) discipline, suspend, terminate, or deny registration renewals of, AMCs that violate laws, regulations, or orders; and (vii) report violations of appraisal-related laws, regulations, or orders, and disciplinary and enforcement actions to the ASC.

Section 34.213(b) requires each participating State to impose requirements on AMCs not owned and controlled by an insured depository institution and regulated by a Federal financial institutions regulatory agency to: (i) Register with and be subject to supervision by a State appraiser certifying and licensing agency in each State in which the AMC operates; (ii) use only State-certified or State-licensed appraisers for Federally regulated transactions in conformity with any Federally regulated transaction regulations; (iii) establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type; (iv) direct the appraiser to perform the assignment in accordance with Uniform Standards of Professional Appraisal Practices (USPAP); and (v) establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with section 129E(a)–(i) of the Truth in Lending Act.

State Reporting Burden

Section 34.216 requires that each State electing to register AMCs for purposes of permitting AMCs to provide appraisal management services relating to covered transactions in the State must submit to the ASC the information required to be submitted under subpart H to part 34 and any additional information required by the ASC concerning AMCs.

AMC Reporting Requirements

Section 34.215(c) requires that a Federally regulated AMC must report to the State or States in which it operates the information required to be submitted by the State pursuant to the ASC's policies, including: (i) Information regarding the determination of the AMC National Registry fee; and (ii) the information listed in § 34.214.

Section 34.214 provides that an AMC may not be registered by a State or included on the AMC National Registry if such company is owned, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State. Each person that owns more than 10 percent of an AMC shall submit to a background investigation carried out by the State appraiser certifying and licensing agency. While § 34.214 does not authorize States to conduct background investigations of Federally regulated AMCs, it would allow a State to do so if the Federally regulated AMC chooses to register voluntarily with the State.

AMC Recordkeeping Requirements

Section 34.212(b) provides that an appraiser in an AMC's network or panel is deemed to remain on the network or panel until: (i) The AMC sends a written notice to the appraiser removing the appraiser with an explanation; or (ii) receives a written notice from the appraiser asking to be removed or a notice of the death or incapacity of the appraiser. The AMC would retain these notices in its files.

Estimated Number of Respondents: 200 AMCs; 55 States and Territories.

Total Estimated Annual Burden: 421.

The OCC issued a notice for 60 days of comment on March 23, 2018, 83 FR 12843. One comment was received from a trade association representing appraisal management companies (AMCs).

Topic A: Whether the Collection of Information is Necessary for the Proper Performance of the Functions of the OCC, Including Whether the Information has Practical Utility

In response to topic A, the commenter stated that the collection of information is ''necessary and does have practical utility'' but ''only to the extent that the information collected serves the proper purpose to promote appraiser independence while ensuring a healthy real estate valuation market.'' While not stated expressly, the commenter implies that the ''proper purpose'' of the collection is limited to collections relating appraiser independence.

In response to this comment, the OCC notes that the purpose of the AMC rule and the collection is to implement all required elements of the statute, not only provisions that extend to appraiser independence. *See* 12 U.S.C. 3353(a) (setting minimum requirements for registration regulation in participating states); *id.* section 3353(d) (setting registration limitations for AMCs); and *id.* section 3353(e) (requiring reporting of information by AMCs to the ASC). The OCC and the other agencies that were party to the AMC rule were required to adopt regulations to implement the statutory requirements and the collection is a necessary component for implementation of these requirements.

To the extent that the commenter disagrees with the scope and requirements of Title XI and the AMC rule, the OCC also notes that regulations may not be rescinded by the OCC through the PRA renewal process.

Topic B: The Accuracy of the OCC's Estimate of the Information Collection Burden

In response to topic B, the commenter states that the burden estimates are too low. The commenter believes that the number of respondents is approximately twice what was estimated. The commenter also states that the actual number of AMCs will not be known until 2020 when the AMC National Registry is fully operational.

The commenter indicates that its members believe that the estimate of the annual burden to comply is also too low. The commenter recommends that the estimate be increased to twice the current estimate. The commenter notes that each state differs in complexity of their demands for the collection of information and not all are on the same renewal schedule. Some renew annually and some biennially, which have varying burdens for preparation and validation.

The burden estimates for this collection have historically been prepared on an industry-wide basis and then allotted to each agency. The FDIC prepared the industry-wide estimates for this renewal. We invite commenters to review the analysis, which is included in our supporting statement, and comment during the 30-day comment period.

Topic C: Ways to Enhance the Quality, Utility, and Clarity of the Information to be Collected

In response to topic C, the commenter suggested that the ASC should issue additional guidance to states and AMCs concerning the AMC minimum requirements. The goal of such guidance would be to ''provide consistency in the implementation of the regulations and information required.'' The commenter also expressed concern that wide variation of AMC requirements from state to state may have material unintended consequences on lending activity in a particular jurisdiction.

In response to these comments, OCC notes that the commenter's suggestions do not relate to the collection. In addition, while Title XI and the AMC rule set minimum standards for the registration and supervision of AMCs by states, Title XI and the AMC rule expressly provide that a state may adopt requirements in addition to those contained in the AMC regulation. 12 U.S.C. 3353(b); 12 CFR 34.210(d). The OCC will, however, refer these suggestions to the ASC for consideration.

Topic D: Ways to Minimize the Burden of the Collection on Respondents, Including Through the use of Automated Collection Techniques or Other Forms of Information Technology

In response to topic D, the commenter recommends that the ASC ''find opportunities to develop reporting efficiencies in the licensing system, which could include partnering with the Nationwide Multistate Licensing System (NMLS) or investing in a new process. Furthermore, the ASC should be more aggressive in supporting modernization of the outdated National Appraiser Registry (which AMCs must use to comply with the minimum requirements).''

In response to these comments, OCC notes that the commenter's suggestions do not relate to the collection. The OCC will, however, refer these suggestions to the ASC for consideration.

Topic E: Estimates of Capital or Start-up Costs and Costs of Operation, Maintenance, and Purchase of Services to Provide Information

The commenter stated that the ''estimated cost to implement the AMC minimum requirements and AMC Registry requirements in 50 states and the District of Columbia ranges from $250,000–$500,000 per AMC,'' not including ''the additional $100,000–$200,000 paid by AMCs to the ASC to be on the National AMC Registry.''

In response to the comment, the OCC notes that the commenter has not segregated the costs relating to the collection from costs of complying with the substantive requirements of Title XI and the AMC rule.

Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 30, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–16639 Filed 8–2–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Requirements; Information Collection Renewal; Submission for OMB Review; Release of Non-Public Information

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork

and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, ''Release of Non-Public Information.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by September 4, 2018.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0200, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0200'' in your comment. In general, the OCC will publish your comment on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0200, U.S. Office of Management and Budget, 725 17th Street, NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-Day comment period for this notice by any of the following methods:

- Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0200'' or ''Release of Non-Public Information.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- Viewing Comments Personally: You may personally inspect comments at the OCC, 400 7th Street, SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street, SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks OMB to extend its approval of the following information collection.

Title: Release of Non-Public Information.

OMB Control No.: 1557–0200.

Abstract: The information collection requirements require individuals who are requesting non-public OCC information to provide the OCC with information regarding the legal grounds for the request. The release of non-public OCC information to a requester without sufficient legal grounds to obtain the information would inhibit open consultation between a bank and the OCC, thereby impairing the OCC's supervisory and regulatory mission. The OCC is entitled, under statute and case law, to require requesters to demonstrate that they have sufficient legal grounds for the OCC to release non-public OCC information. The OCC needs to identify the requester's legal grounds to determine if it should release the requested non-public OCC information.

The information requirements in 12 CFR part 4, subpart C, are as follows:

(1) 12 CFR 4.33: Request for non-public OCC records or testimony.

(2) 12 CFR 4.35(b)(3): Third parties requesting testimony.

(3) 12 CFR 4.37(a)(2): OCC former employee notifying OCC of subpoena.

(4) 12 CFR 4.37(a) and (b): Prohibition on dissemination of released information.

(5) 12 CFR 4.38(a) and (b): Restrictions on dissemination of released information.

(6) 12 CFR 4.39(d): Request for authenticated records or certificate of nonexistence of records.

The OCC uses the information to process requests for non-public OCC information and to determine if sufficient grounds exist for the OCC to release the requested information or provide testimony that would include a discussion of non-public information. This information collection facilitates the processing of requests and expedites the OCC's release of non-public information and testimony to the requester, as appropriate.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit; individuals.

Number of Respondents: 2.

Frequency of Response: On occasion.

Total Annual Burden: 6 hours.

The OCC issued a notice for 60 days of comment concerning this collection on April 3, 2018, 83 FR 14313. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including

[1] On April 3, 2018, the OCC published a 60-Day notice for this information collection.

through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 30, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–16641 Filed 8–2–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on revisions in 2018 of a currently approved information collection that is proposed for approval by the Office of Management and Budget. The Office of International Affairs within the Department of the Treasury is soliciting comments concerning the revision of the Annual Report of U.S. Ownership of Foreign Securities, including Selected Money Market Instruments. The next such collection is an annual survey to be conducted as of December 31, 2018.

DATES: Written comments should be received on or before October 2, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5422 MT, 1500 Pennsylvania Avenue NW, Washington DC 20220. In view of possible delays in mail delivery, you may also wish to send a copy to Mr. Wolkow by email (*comments2TIC@do.treas.gov*) or FAX (202–622–2009). Mr. Wolkow can also be reached by telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed form and instructions are available at Part II of the Treasury International Capital (TIC) Forms web page ''Forms SHL/SHLA & SHC/SHCA'', at: *https://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-sh.aspx#shc.* The proposed forms (called schedules) are unchanged from the previous survey that was conducted as of December 31, 2017 (SHCA(2017)). The ''Current Actions'' below are changes in the previous instructions. Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital (TIC) Form SHC/SHCA ''U.S. Ownership of Foreign Securities, including Selected Money Market Instruments.''

OMB Control Number: 1505–0146.

Abstract: Form SHC/SHCA is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 3101 *et seq.;* E.O. 11961; 31 CFR 129) and is used to conduct annual surveys of U.S. residents' ownership of foreign securities for portfolio investment purposes. These data are used by the U.S. Government in the formulation of international financial and monetary policies, and for the computation of the U.S. balance of payments accounts and of the U.S. international investment position. These data are also used to provide information to the public and to meet international reporting commitments. The SHC/SHCA survey is part of an internationally coordinated effort under the auspices of the International Monetary Fund to improve data on securities worldwide. Most of the major industrial and financial countries conduct similar surveys.

The data collection includes large benchmark surveys conducted every five years, and smaller annual surveys conducted in the non-benchmark years. The data collected under an annual survey are used in conjunction with the results of the preceding benchmark survey and of recent SLT reports to make economy-wide estimates for that non-benchmark year. Currently, the determination of who must report in the annual surveys is based primarily on the data submitted during the preceding benchmark survey and on data submitted on SLT reports around June of the survey year. The data requested in the annual survey will generally be the same as requested in the preceding benchmark report. Form SHC is used for the benchmark survey of all significant U.S.-resident custodians and end-investors regarding U.S. ownership of foreign securities. In non-benchmark years Form SHCA is used for the annual surveys of primarily the very largest U.S.-resident custodians and end-investors.

Current Actions:

No changes in the forms (schedules) are made from the previous survey that was conducted as of December 31, 2017. The proposed changes in the instructions are:

(1) In section II.A.(2) ''Who Must Report/End-Investors'', new text is added to clarify reporting responsibilities; in particular that reporting (as end-investor) is the responsibility of the manager of a fund, partnership, trust, etc., if they have discretion over investments of the fund/partnership/trust/etc.;

(2) In section II.A.(2) ''Who Must Report/End-Investors'', the terms ''limited partnerships and trusts'' are added in the third bullet in the list;

(3) Section III.B/''direct investments'' is revised to make the section more uniform across all TIC reports;

(4) Section III.C.4/''pension & retirement funds'' is revised to cover reporting responsibilities and foreign-resident pension funds;

(5) In Appendix G, the link is corrected to point to the March 2018 version of the TIC Glossary.

(6) Some changes in text, page numbers and formatting are made to clarify other parts of the instructions.

The changes will improve overall survey reporting.

Type of Review: Revision of currently approved data collection.

Affected Public: Business/Financial Institutions.

Form: TIC SHC/SHCA, Schedules 1, 2 and 3 (1505–0146).

Estimated Number of Respondents: An annual average (over five years) of 306, but this varies widely from about 785 in benchmark years (once every five years) to about 190 in other years (four out of every five years).

Estimated Average Time per Respondent: An annual average (over five years) of about 174 hours, but this will vary widely from respondent to respondent. (a) In the year of a benchmark survey, which is conducted once every five years, it is estimated that exempt respondents will require an average of 17 hours; custodians of securities providing security-by-security information will require an average of 361 hours, but this figure will vary widely for individual custodians; end-investors providing security-by-security information will require an average of 121 hours; and end-investors and custodians employing U.S. custodians will require an average of 41 hours. (b) In a non-benchmark year, which occurs four years out of every five years: Custodians of securities providing security-by-security information will require an average of 546 hours (because only the largest U.S.-resident custodians will report), but this figure will vary widely for individual custodians; end-investors providing security-by-security information will require an average of 146 hours; and reporters entrusting their foreign securities to U.S. custodians will require an average of 49 hours. The

exemption level, which applies only in benchmark years when filing schedules 2 or 3 or both, for custodians and for end-investors is the holding of less than $200 million in reportable foreign securities owned by U.S. residents. For schedule 2, end-investors should exclude securities that are held with their unaffiliated U.S.-resident custodians.

Estimated Total Annual Burden Hours: An annual average (over five years) of 53,260 hours.

Frequency of Response: Annual.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether the Survey is necessary for the proper performance of the functions of the Office of International Affairs within the Department of the Treasury, including whether the information collected will have practical uses; (b) the accuracy of the above estimate of the burdens; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data requested; and (e) estimates of capital or start-up costs of operation, maintenance and purchase of services to provide the information requested.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 2018–16636 Filed 8–2–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0232]

Proposed Information Collection Activity: Application for Burial in a National Cemetery

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration (NCA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 4, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0232'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia D. Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0232'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Application for Burial in a National Cemetery.

OMB Control Number: 2900–0232.

Type of Review: Reinstatement, without change, of a previously approved collection.

Abstract: VA requires applicants for national cemetery burial to provide information to verify eligibility for burial in a national cemetery, to schedule interment and to provide services requested by the decedent's family or personal representative. This information is also used for planning and scheduling cemetery services and to provide for specific requests from family members or the personal representative, such as the request for funeral honors to be performed during committal or memorial services.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 20160 on May 7, 2018.

Affected Public: Individuals and households.

Estimated Annual Burden: 33,750.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 135,000.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–16628 Filed 8–2–18; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of the Treasury

Internal Revenue Service

Department of Labor

Employee Benefits Security Administration

Department of Health and Human Services

26 CFR Part 54

29 CFR Part 2590

45 CFR Parts 144, 146, and 148

Short-Term, Limited-Duration Insurance; Final Rule

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[TD 9837]

RIN 1545–BO41

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–AB86

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Parts 144, 146, and 148

[CMS–9924–F]

RIN 0938–AT48

Short-Term, Limited-Duration Insurance

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This final rule amends the definition of short-term, limited-duration insurance for purposes of its exclusion from the definition of individual health insurance coverage. This action is being taken to lengthen the maximum duration of short-term, limited-duration insurance, which will provide more affordable consumer choices for health coverage.

DATES:

Effective date: These final regulations are effective on October 2, 2018.

Applicability date: Insurance policies sold on or after October 2, 2018 must meet the definition of short-term, limited-duration insurance contained in this final rule in order to be considered such insurance.

FOR FURTHER INFORMATION CONTACT: Amber Rivers or Matthew Litton, Department of Labor, (202) 693–8335; Dara Alderman, Internal Revenue Service, Department of the Treasury, (202) 317–5500; David Mlawsky, Centers for Medicare & Medicaid Services, Department of Health and Human Services, (410) 786–1565.

Customer Service Information: Individuals interested in obtaining information from the Department of Labor concerning employment-based health coverage laws may call the Employee Benefits Security Administration (EBSA) Toll-Free Hotline, at 1–866–444–EBSA (3272) or visit the Department of Labor's website (*http://www.dol.gov/ebsa*). In addition, information from the Department of Health and Human Services (HHS) on private health insurance for consumers can be found on the Centers for Medicare & Medicaid Services (CMS) website (*www.cms.gov/cciio*) and information on health reform can be found at *www.HealthCare.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

This rule finalizes amendments to the definition of ''short-term, limited-duration insurance'' for purposes of its exclusion from the definition of ''individual health insurance coverage'' in 26 CFR part 54, 29 CFR part 2590, and 45 CFR part 144.

A. General Statutory Background and Enactment of PPACA

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) [1] added title XXVII to the Public Health Service Act (PHS Act), part 7 to the Employee Retirement Income Security Act of 1974 (ERISA), and Chapter 100 to the Internal Revenue Code (the Code), providing portability and nondiscrimination rules with respect to health coverage. These provisions of the PHS Act, ERISA, and the Code were later augmented by other laws, including the Mental Health Parity Act of 1996,[2] the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008,[3] the Newborns' and Mothers' Health Protection Act,[4] the Women's Health and Cancer Rights Act,[5] the Genetic Information Nondiscrimination Act of 2008,[6] the Children's Health Insurance Program Reauthorization Act of 2009,[7] Michelle's Law,[8] and the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010 (PPACA).[9]

PPACA reorganizes, amends, and adds to the provisions of Part A of title XXVII of the PHS Act relating to group health plans and health insurance issuers in the group and individual markets. PPACA added section 715 of ERISA and section 9815 of the Code to incorporate provisions of Part A of title XXVII of the PHS Act (generally, sections 2701 through 2728 of the PHS Act) into ERISA and the Code.

B. President's Executive Order

On October 12, 2017, President Trump issued Executive Order 13813 entitled ''Promoting Healthcare Choice and Competition Across the United States.'' [10] This Executive Order states in relevant part: ''Within 60 days of the date of this order, the Secretaries of the Treasury, Labor, and Health and Human Services shall consider proposing regulations or revising guidance, consistent with law, to expand the availability of [short-term, limited-duration insurance]. To the extent permitted by law and supported by sound policy, the Secretaries should consider allowing such insurance to cover longer periods and be renewed by the consumer.''

C. 2017 Tax Legislation

Section 5000A of the Code, added by PPACA, provides that all non-exempt applicable individuals must maintain minimum essential coverage (MEC) or pay the individual shared responsibility payment.[11] On December 22, 2017, the President signed tax reform legislation into law.[12] This legislation includes a provision under which the individual shared responsibility payment under section 5000A of the Code is reduced to

[1] Public Law 104–191, 110 Stat. 1936 (August 21, 1996).

[2] Public Law 104–204, 110 Stat. 2944 (September 26, 1996).

[3] Public Law 110–343, 122 Stat. 3881 (October 3, 2008).

[4] Public Law 104–204, 110 Stat. 2935 (September 26, 1996).

[5] Public Law 105–277, 112 Stat. 2681–436 (October 21, 1998).

[6] Public Law 110–233, 122 Stat. 881 (May 21, 2008).

[7] Public Law 111–3, 123 Stat. 64 (February 4, 2009).

[8] Public Law 110–381, 122 Stat. 4081 (October 9, 2008).

[9] The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, was enacted on March 30, 2010. These statutes are collectively referred to as PPACA.

[10] 82 FR 48385.

[11] The eligibility standards for exemptions can be found at 45 CFR 155.605. Section 5000A of the Code and Treasury regulations at 26 CFR 1.5000A–3 provide exemptions from the requirement to maintain MEC for the following individuals: (1) Members of recognized religious sects; (2) members of health care sharing ministries; (3) exempt noncitizens; (4) incarcerated individuals; (5) individuals with no affordable coverage; (6) individuals with household income below the income tax filing threshold; (7) members of federally recognized Indian tribes; (8) individuals who qualify for a hardship exemption certification; and (9) individuals with a short coverage gap of a continuous period of less than 3 months in which the individual is not covered under MEC.

[12] Public Law 115–97, 131 Stat. 2054.

$0, effective for months beginning after December 31, 2018.

D. Short-Term, Limited-Duration Insurance

Short-term, limited-duration insurance is a type of health insurance coverage that was primarily designed to fill temporary gaps in coverage that may occur when an individual is transitioning from one plan or coverage to another plan or coverage. Section 2791(b)(5) of the PHS Act provides ''[t]he term 'individual health insurance coverage' means health insurance coverage offered to individuals in the individual market, but does not include short-term limited duration insurance.'' [13] However, the PHS Act does not define short-term, limited-duration insurance. In 1997, the Department of the Treasury, the Department of Labor, and the Department of Health and Human Services (together, the Departments), issued regulations implementing the portability and renewability requirements of HIPAA, which included definitions of individual health insurance coverage as well as short-term, limited-duration insurance.[14] Those regulations defined short-term, limited-duration insurance as ''health insurance coverage provided pursuant to a contract with an issuer that has an expiration date specified in the contract (taking into account any extensions that may be elected by the policyholder without the issuer's consent) that is less than 12 months after the original effective date of the contract.'' [15]

Short-term, limited-duration insurance is generally exempt from the Federal market requirements applicable to health insurance sold in the individual market because it is not considered individual health insurance coverage. For example, short-term, limited-duration insurance is not subject to the requirement to provide essential health benefits and it is not subject to the prohibitions on preexisting condition exclusions or lifetime and annual dollar limits. It is also not subject to requirements regarding guaranteed availability and guaranteed renewability.

To address the issue of short-term, limited-duration insurance being sold as a type of primary coverage, as well as concerns regarding possible adverse selection impacts on the risk pools for PPACA-compliant plans, the Departments published a proposed rule on June 10, 2016 in the **Federal Register** entitled ''Expatriate Health Plans, Expatriate Health Plan Issuers, and Qualified Expatriates; Excepted Benefits; Lifetime and Annual Limits; and Short-Term, Limited-Duration Insurance.'' [16] The June 2016 proposed rule proposed changing the definition of short-term, limited-duration insurance that had been in place for nearly 20 years by revising the definition to specify that short-term, limited-duration insurance could not provide coverage for 3 months or longer taking into account any extensions that may be elected by the policyholder with or without the issuer's consent.[17]

The June 2016 proposed rule also proposed to require that the following notice be prominently displayed in the contract and in any application materials provided in connection with enrollment in short-term, limited-duration insurance, in at least 14 point type:

THIS IS NOT QUALIFYING HEALTH COVERAGE (''MINIMUM ESSENTIAL COVERAGE'') THAT SATISFIES THE HEALTH COVERAGE REQUIREMENT OF THE AFFORDABLE CARE ACT. IF YOU DON'T HAVE MINIMUM ESSENTIAL COVERAGE, YOU MAY OWE AN ADDITIONAL PAYMENT WITH YOUR TAXES.[18]

After reviewing public comments and feedback received from stakeholders, on October 31, 2016, the Departments finalized the June 2016 proposed rule without change in a final rule published in the **Federal Register** entitled ''Excepted Benefits; Lifetime and Annual Limits; and Short-Term, Limited-Duration Insurance.'' [19]

On June 12, 2017, HHS published a request for information in the **Federal Register** entitled ''Reducing Regulatory Burdens Imposed by the Patient Protection and Affordable Care Act & Improving Healthcare Choices to Empower Patients,'' [20] which solicited public comments about potential changes to existing regulations and guidance that could promote consumer choice, enhance affordability of coverage for individual consumers, and affirm the traditional regulatory authority of the states in regulating the business of health insurance, among other goals. Several commenters stated that changes to the October 2016 final rule may provide an opportunity to achieve these goals. Consistent with many comments submitted on the June 2016 proposed rule, commenters stated that shortening the permitted length of short-term, limited-duration insurance policies had deprived individuals of affordable coverage options. One commenter explained that due to the increased costs of PPACA-compliant major medical coverage, many financially-stressed individuals may be faced with a choice between short-term, limited-duration insurance coverage and going without any coverage at all. One commenter highlighted the need for short-term, limited-duration insurance coverage among individuals who are between jobs. Another commenter explained that states have the primary responsibility to regulate short-term, limited-duration insurance and opined that the October 2016 final rule was overreaching on the part of the federal government.

In addition to considering these comments, the Departments also considered that, while individuals who qualify for premium tax credits (PTCs) under section 36B of the Code are largely insulated from premium increases for individual health insurance coverage (that is, the government, and thus federal taxpayers, largely bear the cost of the increases), individuals who are not eligible for PTCs are particularly harmed by increased premiums in the individual market due to a lack of other, more affordable alternative coverage options. Based on CMS data on Exchange-effectuated enrollment and payment,

[13] Sections 733(b)(4) of ERISA and 2791(b)(4) of the PHS Act provide that group health insurance coverage means ''in connection with a group health plan, health insurance coverage offered in connection with such plan.'' Sections 733(a)(1) of ERISA and 2791(a)(1) of the PHS Act provide that a group health plan is generally any plan, fund, or program established or maintained by an employer (or employee organization or both) for the purpose of providing medical care to employees or their dependents (as defined under the terms of the plan) directly, or through insurance, reimbursement, or otherwise. There is no corresponding provision excluding short-term, limited-duration insurance from the definition of group health insurance coverage. Thus, any health insurance that is sold in the group market and purports to be short-term, limited-duration insurance must comply with applicable group health insurance requirements established under Part A of title XXVII of the PHS Act, part 7 of ERISA, and Chapter 100 of the Code.

[14] The definition of individual health insurance coverage (and its exclusion of short-term, limited-duration insurance) has some limited relevance with respect to certain provisions that apply to group health plans and group health insurance issuers over which the Departments of Labor and the Treasury have jurisdiction. For example, an individual who loses coverage due to moving out of an HMO service area in the individual market triggers a special enrollment right into a group health plan. *See* 26 CFR 54.9801–6(a)(3)(i)(B), 29 CFR 2590.701–6(a)(3)(i)(B), and 45 CFR 146.117(a)(3)(i)(B). Also, a group health plan that wraps around individual health insurance coverage is an excepted benefit if certain conditions are satisfied. *See* 26 CFR 54.9831–1(c)(3)(vii), 29 CFR 2590.732(c)(3)(vii), and 45 CFR 146.145(b)(3)(vii).

[15] 62 FR 16894 at 16928, 16942, 16958 (April 8, 1997); *see also* 69 FR 78720 (December 30, 2004).

[16] 81 FR 38019.

[17] 81 FR 38019, 38032.

[18] Id. at 38032.

[19] 81 FR 75316 (October 31, 2016).

[20] 82 FR 26885.

average monthly enrollment for individuals without PTCs declined by 1.3 million, or 20 percent, between 2016 and 2017.[21] Some of this decline is likely a response to increased premiums.[22] Further, in 2018, about 26 percent of enrollees (living in 52 percent of counties) have access to just one issuer in the Exchange.[23] Such monopoly markets, which are more predominant in rural counties, do not provide meaningful choice for consumers and cause premiums to be higher than they would be in a competitive market. Additionally, although the October 2016 final rule was intended to boost enrollment in individual health insurance coverage by reducing the maximum duration of coverage in short-term, limited-duration plans, it did not succeed in that regard. Rather, average monthly enrollment in individual market plans decreased by 10 percent between 2016 and 2017, while premiums increased by 21 percent.[24] Therefore, the Departments determined that the expansion of additional coverage options such as short-term, limited-duration insurance is necessary, as premiums have escalated and affordable choices in the individual market have dwindled.

Accordingly, in light of Executive Order 13813 directing the Departments to consider proposing regulations or revising guidance to expand the availability of short-term, limited-duration insurance, as well as in response to continued feedback from stakeholders expressing concerns about the October 2016 final rule, the Departments published a proposed rule on February 21, 2018 entitled ''Short-Term, Limited-Duration Insurance'' under which the Departments proposed to amend the definition of short-term, limited-duration insurance to provide (as did the regulations implementing HIPAA) that such insurance may have a maximum coverage period of less than 12 months after the original effective date of the contract, taking into account any extensions that may be elected by the policyholder without the issuer's consent.[25]

In addition, the Departments proposed to revise the content of the notice that must appear in the contract and any application materials provided in connection with enrollment in short-term, limited-duration insurance, to be prominently displayed (in at least 14 point type), and to read as follows:

THIS COVERAGE IS NOT REQUIRED TO COMPLY WITH FEDERAL REQUIREMENTS FOR HEALTH INSURANCE, PRINCIPALLY THOSE CONTAINED IN THE AFFORDABLE CARE ACT. BE SURE TO CHECK YOUR POLICY CAREFULLY TO MAKE SURE YOU UNDERSTAND WHAT THE POLICY DOES AND DOESN'T COVER. IF THIS COVERAGE EXPIRES OR YOU LOSE ELIGIBILITY FOR THIS COVERAGE, YOU MIGHT HAVE TO WAIT UNTIL AN OPEN ENROLLMENT PERIOD TO GET OTHER HEALTH INSURANCE COVERAGE. ALSO, THIS COVERAGE IS NOT ''MINIMUM ESSENTIAL COVERAGE''. IF YOU DON'T HAVE MINIMUM ESSENTIAL COVERAGE FOR ANY MONTH IN 2018, YOU MAY HAVE TO MAKE A PAYMENT WHEN YOU FILE YOUR TAX RETURN UNLESS YOU QUALIFY FOR AN EXEMPTION FROM THE REQUIREMENT THAT YOU HAVE HEALTH COVERAGE FOR THAT MONTH.

Under the proposed rule, the final two sentences of the notice would only be required for policies sold on or after the applicability date of the final rule, if finalized, that have a coverage start date before January 1, 2019, because the individual shared responsibility payment is reduced to $0 for months beginning after December 2018.

The Departments proposed that the rule would be effective 60 days after publication of the final rule in the **Federal Register**, and with respect to the applicability date, the Departments proposed that policies sold on or after the 60th day following publication of the final rule would have to meet the definition of short-term, limited-duration insurance in the final rule in order to be considered short-term, limited-duration insurance. Further, the Departments proposed that group health plans and group health insurance issuers, to the extent they must distinguish between short-term, limited-duration insurance and individual health insurance coverage, must apply the definition of short-term, limited-duration insurance in the final rule as of the 60th day following publication of the final rule.

Request for Comments

The Departments requested comments on all aspects of the proposed rule, including whether the length of short-term, limited-duration insurance should be some other duration. Also, the Departments requested comments on any regulations or other guidance or policy that limits issuers' flexibility in designing short-term, limited-duration insurance or poses barriers to entry into the short-term, limited-duration insurance market. In addition, the Departments specifically sought comments on both the conditions under which issuers should be able to allow short-term, limited-duration insurance to continue for 12 months or longer with the issuer's consent and the revised notice.

The Departments requested comments on the economic impact analysis provided in the proposed rule, and welcomed other estimates of the increase in enrollment in short-term, limited-duration insurance under the proposal, and on the health status and age of individuals who would purchase these policies.

The comment period on the proposed rule ended on April 23, 2018. The Departments received approximately 12,000 comments. After careful consideration of these comments, the Departments are issuing these final rules.

II. Overview of the Final Regulations

After considering the public comments, the Departments are finalizing the proposed rule with some modifications. Under this final rule, short-term, limited-duration insurance means health coverage provided pursuant to a contract with an issuer that has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account

[21] Centers for Medicare and Medicaid Services, ''Trends in Subsidized and Unsubsidized Individual Health Insurance Market Enrollment'', July 2, 2018. Available at *https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/2018-07-02-Trends-Report-2.pdf*.

[22] Note, however, that the reduction in the number of unsubsidized enrollees is due to several different effects. As implied in the main text, some of the reduction is attributable to unsubsidized enrollees dropping coverage due to premium increases. Unsubsidized enrollees might also have left the Exchange because the labor market has improved, which might have resulted in increased availability of employer-sponsored coverage. In addition, because Exchange enrollees pay a fixed share of income for premiums with PTC covering the remainder, when premiums rise some unsubsidized enrollees become subsidized, even if enrollment does not change at all. Between February 2017 and February 2018, effectuated enrollment fell by about 209,000 among the unsubsidized but rose by 522,000 for the subsidized, suggesting some movement from unsubsidized to subsidized status without a change in enrollment. *See* ''2017 Effectuated Enrollment Snapshot'', June 12, 2017, available at *https://downloads.cms.gov/files/effectuated-enrollment-snapshot-report-06-12-17.pdf* and ''Early 2018 Effectuated Enrollment Snapshot'', June 2, 2018, available at *https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/2018-07-02-Trends-Report-1.pdf*.

[23] Kaiser Family Foundation, ''Insurer Participation on ACA Marketplaces, 2014–2018,'' November 10, 2017. Available at *http://www.kff.org/health-reform/issue-brief/insurer-participation-on-aca-marketplaces/*.

[24] Centers for Medicare and Medicaid Services, ''Trends in Subsidized and Unsubsidized Individual Health Insurance Market Enrollment'', July 2, 2018. Available at *https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/Downloads/2018-07-02-Trends-Report-2.pdf*.

[25] 83 FR 7437 (February 21, 2018).

renewals or extensions, has a duration of no longer than 36 months in total.

This final rule also retains the requirement that issuers of short-term, limited-duration insurance display one of two versions of a notice prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14-point type. However, the language of the notice in the final rule is revised to read as follows:

> This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not ''minimum essential coverage.'' If you don't have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

As under the proposed rule, the last two sentences of the notice are only required for policies sold on or after the applicability date of this final rule that have a coverage start date before January 1, 2019. As explained in more detail later in this preamble, in response to comments, the notice in the final rule contains additional specificity, including a list of health benefits that might not be covered. However, the Departments do not have evidence that short-term, limited-duration insurance policies have not historically or are unlikely to cover hospitalization and emergency services. Further, this final rule provides that the notice may contain any additional information as required by applicable state law and that the notice typeface should be in sentence case, rather than all capital letters.

Based on comments submitted, the Departments have also revised the estimates of the impact of short-term, limited-duration coverage on the individual health insurance market and the uninsured as explained further below. In addition, a severability clause has been added to this final rule. Finally, as was proposed in the proposed rule, this final rule is effective and applicable 60 days after publication in the **Federal Register**.

Comments on Authority

Several commenters questioned the Departments' legal authority with regard to various aspects of the proposed rule. One commenter stated that because the PHS Act exempts short-term, limited-duration insurance from the definition of ''health insurance coverage,'' there is no delegation of Congressional authority giving HHS the power to define short-term, limited-duration insurance. Several commenters questioned whether the Departments have legal authority to define short-term, limited-duration insurance as having a maximum contract term of less than 12 months. One commenter stated that allowing such coverage to last nearly as long as individual health insurance coverage would be arbitrary, capricious, and not in accordance with law. Another commenter stated that the Departments failed to provide any reasonable justification for the change and expressed concern that short-term, limited-duration insurance will harm consumers and the individual market, will increase premiums for individual market plans, and will increase PTC expenditures. The commenter noted that despite acknowledging these potential outcomes of the proposed rule, the Departments stated that they are proposing this action to provide more affordable consumer choice for health coverage. The commenter stated that this does not suffice to explain the decision for a rule change that is inconsistent with the Departments' earlier position, cannot carry the force of law, and is not entitled to deference and therefore is arbitrary and capricious, and cannot stand. One commenter stated that none of the three preambles supporting the less-than-12-month duration (the 1997 rules, the 2004 rules and the proposed rule that this rule finalizes) provide a ''reasoned explanation'' for this choice as the maximum length of coverage. Another commenter stated that 3 months is a reasonable, ordinary-English meaning of the word ''short,'' that the Departments' adoption of it in 2016 was well-reasoned, and that neither the facts nor the statute have changed, only a policy agenda inimical to PPACA is new.

Another commenter stated that the definition in the proposed rule is inconsistent with the statutory text of PHS Act section 2791(b)(5) because the proposed maximum duration for short-term, limited-duration insurance coverage is not sufficiently shorter than individual health insurance coverage to be consistent with any reasonable reading of the statutory phrase ''short-term.'' This commenter also asserted that the proposed definition is inconsistent with PPACA, because an issuer meeting the proposed definition could avoid all PPACA insurance reforms, which would deprive consumers of PPACA's protections and damage individual market risk pools. Taking all this into consideration, the commenter asserted that the proposed definition is thus arbitrary and capricious.

The Departments disagree with these commenters that questioned our legal authority.

The Departments have clear statutory authority under the PHS Act to interpret undefined provisions of the PHS Act, ERISA, and the Code.[26] In order to determine the scope of individual health insurance coverage, which is essential to allow enforcement of the rules that apply to individual health insurance coverage, the Departments must give meaning to the term short-term, limited-duration insurance.[27] Relatedly, Congress provided the Secretaries of HHS, Labor and the Treasury with explicit authority to promulgate regulations as may be necessary or appropriate to carry out the provisions of the PHS Act.[28] Due to the absence of a statutory definition for the term short-term, limited-duration insurance, and the fact that the only reference to such coverage is as an exclusion from individual health insurance coverage, this includes the authority to issue regulations on short-term, limited-duration insurance to define it and set standards that distinguish it from individual health insurance coverage.

The Departments also disagree that the definition in the proposed rule and as revised in this final rule is inconsistent with PPACA. Both the proposed rule and the final rule establish federal standards for short-term, limited-duration insurance in a manner that clearly distinguishes such insurance from the individual health insurance coverage that is subject to PPACA's individual market requirements. Further, there are no explicit statutory standards governing

[26] *See* section 715 of ERISA and section 9815 of the Code, which incorporate provisions of Part A of title XXVII of the PHS Act (generally, sections 2701 through 2728 of the PHS Act) into ERISA and the Code. *See also,* section 104 of HIPAA. *See also,* sections 505 and 734 of ERISA, sections 2761 and 2792 of the PHS Act, section 1321(a)(1) and (c) of PPACA and section 7805 of the Code.

[27] As discussed in footnote 14, the definition of short-term, limited-duration insurance also has some relevance with respect to certain provisions that apply to group health plans and group health insurance issuers over which the Departments of Labor and the Treasury have jurisdiction.

[28] *See* section 2792 of the PHS Act.

the degree to which short-term, limited-duration insurance must vary from individual health insurance coverage, leaving it to the Departments to use their interpretive authority to distinguish between the two terms. Indeed, when the federal regulations for short-term, limited-duration insurance were first implemented in 1997, short-term, limited-duration insurance was considered to be health insurance coverage with a period of coverage that was less than 12 months, as under the proposed rule. That standard was in place for nearly two decades without objection. As demonstrated by the definition of short-term, limited-duration insurance in this final rule, short-term, limited-duration insurance and individual health insurance coverage are distinguished by the differences in their initial contract terms, the maximum duration of a policy itself, and the types of notice requirements applicable to each type of coverage. The two types of insurance are further distinguished with respect to whether the coverage is considered MEC. In the Departments' view, these differences are significant and sufficient to distinguish short-term, limited-duration insurance from individual health insurance coverage, and the definition of short-term, limited-duration insurance in this final rule is consistent with PPACA, is well reasoned, is clearly within the Departments' authority, and is therefore not arbitrary and capricious. Rather than deprive consumers of PPACA protections, this final rule expands access to additional, more affordable coverage options for individuals, including those who might otherwise be uninsured, as well as to those who do not qualify for PTCs or who otherwise find individual health insurance coverage unattractive. Consumers who want comprehensive, individual health insurance coverage as defined by PPACA will continue to be able to purchase such coverage on a guaranteed availability and guaranteed renewability basis in the individual market. As to the comment regarding whether the rule is justified, see the discussion in the Regulatory Impact Analysis in this final rule for updated estimates of the impact of enrollment in short-term, limited-duration insurance on consumers and the individual market.

As stated above, some commenters challenged the legal authority of the Departments to set a less-than-12 month maximum contract term, including extensions that may be elected by the policyholder without the issuer's consent. In this final rule, the Departments instead set a less-than-12-month maximum on the length of the initial contract term. The Departments would have had the authority to do the former (had we chosen to do so), and also have the authority to do the latter. As explained above, the Departments have authority to establish regulatory standards for short-term, limited-duration insurance, including setting a limit on the length of the initial contract term. The Departments have explained in the proposed rule and elsewhere in this final rule that this regulatory action is necessary and appropriate to remove federal barriers that inhibit consumer access to additional, more affordable coverage options and support state efforts to develop innovative solutions in response to market-specific needs.

This final rule recognizes the role that short-term, limited-duration insurance can fulfill, while at the same time distinguishing it from individual health insurance coverage by interpreting ''short-term'' to mean an initial contract term of less than 12 months and implementing the ''limited-duration'' requirement by precluding renewals or extensions that extend a policy beyond a total of 36 months. See below for a discussion of the rationale for the interpretation of the ''limited-duration'' requirement to mean no longer than 36 months. States remain free to adopt a definition with a shorter maximum initial contract term or shorter maximum duration (including renewals and extensions) for a policy to meet their specific market needs, including the adoption of strategies to mitigate adverse selection in the individual market.

One commenter stated that unlike health insurance products sold in the non-group market, short-term, limited-duration insurance is exempt from federal regulation and is subject only to state regulation and that the extent of CMS's statutory authority is to define what short-term, limited-duration insurance is. The commenter stated that the Departments have no legal authority to impose regulatory burdens or limitations on short-term, limited-duration insurance, such as the notice requirement.

The Departments agree with the commenter that short-term, limited-duration insurance is exempt from the PHS Act's individual market rules and is generally subject to state regulation. However, the Departments also have limited authority under the PHS Act to establish federal regulatory standards for short-term, limited-duration insurance, including standards related to the maximum length of the initial contract term, the maximum duration (including renewals and extensions) for a policy, and a consumer notice. This final rule establishes such federal standards for short-term, limited-duration insurance in a way that is necessary and appropriate to distinguish this coverage from individual health insurance coverage. As stated above, Congress provided the HHS, Labor, and Treasury Secretaries with explicit authority to promulgate regulations as may be necessary or appropriate to carry out the provisions of the PHS Act.[29] The Departments believe that the federal regulatory definition of short-term, limited-duration insurance as set forth in this final rule, including the notice requirement, is necessary and appropriate to carry out the provisions of the PHS Act. As explained above, the Departments must give meaning to the undefined statutory term short-term, limited-duration insurance and the meaning must distinguish it from individual health insurance coverage. This is because the PHS Act imposes certain requirements on individual health insurance coverage, and does not impose those same requirements on short-term, limited-duration insurance. Further, the Departments believe it is necessary and appropriate for consumers considering the purchase of short-term, limited-duration insurance, and those actually purchasing such insurance, to be aware that such coverage is not subject to the federal individual market rules under the PHS Act. Therefore, one component of the federal standards for short-term, limited-duration insurance in this final rule is inclusion of the notice specified in this final rule, to inform applicants and enrollees that short-term, limited-duration insurance is not individual health insurance coverage and therefore is not required to meet the federal market requirements that apply to individual health insurance coverage. Defining short-term, limited-duration insurance in such a way that requires a short, standard description of how the coverage might vary from individual health insurance coverage allows for a clear determination by regulators that the policy is intended to be short-term, limited-duration insurance, facilitates compliance by issuers, and promotes ease of understanding by consumers. We further clarify that to the extent a health insurance policy sold to an individual in the non-group market includes the notice, and satisfies the other federal standards for short-term, limited-duration insurance in this final rule, it constitutes short-term, limited-duration insurance and is not subject to

[29] *See* section 2792 of the PHS Act.

the federal individual market rules under the PHS Act. As described elsewhere in this final rule, states can adopt a definition with a shorter maximum initial contract term and/or a shorter maximum duration of a policy, and can require issuers to provide additional information as part of the consumer notice.

The proposed rule did not address whether any aspect (or standard) in the definition of short-term, limited-duration insurance should be considered independent of other provisions, and thus severable, if such part of the definition were to be determined invalid. Although there were no comments that directly addressed severability, from the comments received on the proposed rule, the Departments recognize there is a possibility that some stakeholders may challenge the 36-month maximum duration standard in court. The Departments expect to prevail in any such challenge, as this final rule and each of the federal standards for short-term, limited-duration insurance finalized herein are legally sound. If a court should conclude that the 36-month maximum duration standard for short-term, limited-duration insurance in this final rule is invalid, the Departments wish to emphasize our intent that the remaining standards of the final rule will take effect and be given the maximum effect as permitted by law. Thus, we have added a severability clause as a new paragraph (4) to the final rule, which addresses two situations—one where the 36-month provision is invalidated ''as applied,'' and the other where it is invalidated ''facially.'' The severability provision reads as follows: ''If a court holds the 36-month maximum duration provision set forth in paragraph (1) of this definition or its applicability to any person or circumstances invalid, the remaining provisions and their applicability to other people or circumstances shall continue in effect.''

General Comments on the Proposed Rule

Many commenters generally agreed that short-term, limited-duration insurance plays an important role in providing temporary health coverage to individuals who would otherwise go uninsured. Most commenters also stated that such plans are not meant to take the place of comprehensive health insurance coverage, and allowing them to be marketed as a viable alternative to comprehensive coverage would subject uninformed consumers to potentially severe financial risks, and would siphon off healthier individuals from the market for individual health insurance coverage, thereby raising premiums for such coverage. Commenters who supported the proposed rule stated that it would allow purchasers of short-term, limited-duration insurance to obtain the coverage they want (excluding services they do not want) at a more affordable price for a longer period of time. These commenters explained that currently, enrollees have to reapply for short-term, limited-duration insurance every 3 months, have their deductibles reset every 3 months, and might lose coverage for conditions that develop during the initial 3 months. They also noted that many individuals may be unable to obtain more comprehensive coverage at the end of the 3-month coverage period because they may not qualify for a special enrollment period for individual health insurance coverage and might have a long time to wait for the next individual market open enrollment period.

The Departments agree that short-term, limited-duration insurance plays an important role in providing temporary valuable health coverage to individuals who would otherwise go uninsured. Short-term, limited-duration insurance can also provide a more affordable, and potentially desirable, coverage option for some consumers, such as those who cannot afford unsubsidized coverage in the individual market. This final rule balances the important role that short-term, limited-duration insurance plays in the market, while at the same distinguishing it from individual health insurance coverage and requiring issuers of short-term, limited-duration insurance to inform consumers of how coverage under the policy might differ from coverage under individual health insurance coverage. The rule does this by setting the maximum length of the initial contract term to less than 12 months, establishing the total maximum duration for a policy (including coverage during the initial contract term and renewals or extensions under the same insurance contract) of no longer than 36 months, and providing for a notice to inform consumers of how coverage under the policy might differ from coverage under individual health insurance coverage. Thus, under this final rule, issuers may offer coverage under a short-term, limited-duration insurance policy for up to a total of 36 months, without any medical underwriting or experience rating beyond that completed upon the initial sale of the policy (as long as the applicable notice is provided to consumers and the initial contract term is less than 12 months).

The Departments acknowledge that making short-term, limited-duration insurance more available, and for longer initial contract terms and periods of duration than is currently permitted, could have an impact on the risk pools for individual health insurance coverage, and could therefore raise premiums for individual health insurance coverage (see the discussion in the Regulatory Impact Analysis section). However, as discussed more fully below, we believe the critical need for coverage options that are more affordable than individual health insurance coverage, combined with the general need for more coverage options and choice, substantially outweigh the estimated impact on individual health insurance premiums.

Initial Contract Term for Short-Term, Limited-Duration Insurance

The proposed rule would have set a maximum length of short-term, limited-duration coverage, including any extensions that may be elected by the policyholder without the issuer's consent, of less than 12 months. Given that the proposed rule did not include a proposal to permit renewal periods in addition to or longer than the less-than-12-month period, we are addressing all comments related to the ''less-than-12-month'' aspect of the proposed rule as comments on the initial contract term. The Departments discuss and respond to comments related to renewals and extensions beyond the initial contract term, including comments on the permissible maximum duration for a policy (including renewals and extensions of the same insurance contract), later in this preamble. With respect to the maximum length of the initial contract term for short-term, limited-duration insurance, most comments suggested not extending the maximum duration beyond the current less-than-3-month maximum. Others suggested periods such as less than 6 or 8 months. Most commenters who supported extending the maximum initial contract term suggested it should be 364 days. A few commenters suggested more than 1 year. Other commenters stated that any short-term, limited-duration policy should end by December 31 of the calendar year in which the policy period commences, while others stated that the maximum duration should be 1 year or until December 31 of the calendar year in which the policy period commences, whichever occurs later. Other commenters stated that the maximum

length of the coverage should be left to the states.

As explained in the proposed rule, we proposed to return to the less-than-12-month standard in order to expand more affordable coverage options to consumers who desire and need them, to help individuals avoid paying for benefits provided in individual health insurance coverage that they believe are not worth the cost, to reduce the number of uninsured individuals, and to make available more coverage options with broader access to providers than certain individual health insurance coverage has. The Departments disagree with the commenters who supported a shorter maximum initial contract term. To the extent the initial contract term would be limited to a shorter duration, for example, 3 months, this would mean that every 3 months, absent renewability of the policy, an individual purchasing short-term, limited-duration insurance would be subject to re-underwriting if they did not have a renewal guarantee, and would possibly have his or her premium greatly increased as a result. The issuer could also decline to issue a new policy to the consumer based on preexisting medical conditions. Also, to the extent that the policy has a deductible, the individual would not get credit for money spent toward the deductible during the previous 3 months. In addition, to the extent that the policy excluded preexisting conditions for a specified period of time or imposed a waiting period on specific benefits, the individual might not get credit for the amount of the time he or she had the previous coverage, and thus the waiting period on preexisting conditions or on specific benefits would start over, leaving the consumer without coverage for the condition(s) or benefit(s) until the new waiting period expires. Although these circumstances would be somewhat mitigated if the maximum initial contract term was somewhat longer than less than 3 months, for example, less than 9 months, the Departments believe that mitigating these circumstances even further, by establishing a federal maximum initial contract term of less than 12 months, is preferable. The Departments find all of these to be compelling reasons in favor of permitting a maximum initial contract term of less than 12 months, rather than a shorter maximum initial contract term.

With respect to the comment that any short-term, limited-duration policy should end by December 31 of the calendar year in which the policy period commences, this could result in many such policies having an initial contract term of far less than 12 months, which for the reasons stated above, the Departments believe is not desirable. With respect to the comment that the maximum duration should be 1 year or until December 31 of the calendar year in which the policy period commences, the Departments do not believe that a policy with an initial contract term of 1 full year would satisfy the ''short-term'' component of short-term, limited-duration insurance, as it would have the same initial contract term as individual health insurance coverage.

The Departments agree that states remain free to adopt a definition with a shorter maximum initial contract term. The maximum initial contract term of less than 12 months established in this final rule provides a uniform federal standard for the initial contract term for short-term, limited-duration insurance. As explained in the proposed rule and elsewhere in this final rule, this standard was selected in order to promote access to health coverage choices in addition to individual health insurance coverage, which, as stated above, may or may not be the most appropriate or affordable policies for some individuals. Therefore, this rule sets a federal standard for the maximum initial contract term for short-term, limited-duration insurance. This federal standard defines the ''short-term'' component of short-term, limited-duration insurance as less than 12 months. The federal maximum duration for a policy (including renewals and extensions of the same insurance contract), discussed further below, implements the ''limited-duration'' component of short-term, limited-duration insurance.

Many commenters that opposed the extension of the maximum initial contract term for short-term, limited-duration insurance generally expressed concerns about the lack of protections for consumers who purchase short-term, limited-duration insurance. Some of these commenters stated that such insurance is not a viable option for people with serious or chronic medical conditions because of potential policy exclusions. Commenters also stated that short-term, limited-duration policies discriminate against those with serious illnesses and other preexisting conditions including mental health and substance abuse disorders, older consumers, women, transgender patients, persons with gender-identity-related health concerns, and victims of rape and domestic violence.

The commenters did not provide persuasive evidence for concluding that short-term, limited-duration policies discriminate against individuals. The Departments acknowledge that short-term, limited-duration insurance may not be suitable coverage for all individuals in all circumstances and that in some instances it may not provide coverage that is as comprehensive as individual health insurance coverage. However, short-term, limited-duration insurance can be a viable health insurance option for many people in many circumstances. Also, no individual is required to enroll in short-term, limited-duration insurance; rather, it is simply an additional, and likely more affordable, option that may be available to them. Individual health insurance coverage is unaffordable for many consumers, particularly those who do not qualify for PTCs. Of uninsured consumers visiting the *HealthCare.gov* website in the past year, 63 percent of those who did not purchase a plan cited high premiums as the primary reason not to purchase.[30] Furthermore, the availability of short-term, limited-duration insurance provides an additional choice for many consumers that exists side-by-side with individual market coverage, with the end result that individuals are provided with more choices and have the opportunity to purchase the type of coverage that is most desirable and suitable for the individual and/or her family. Additionally, many individuals who have health conditions for which they desire coverage that might be more comprehensive than what is available through short-term, limited-duration insurance, can access individual health insurance coverage on a guaranteed available and guaranteed renewable basis and, if enrollment is pursued through an Exchange and the individual is otherwise eligible, may qualify for the PTC to offset the cost of such coverage and, in some cases, cost-sharing reductions. PTCs and cost-sharing reductions generally are not available to purchasers of short-term, limited-duration insurance. However, states may be able to provide subsidies to purchasers of short-term, limited-duration insurance with funds provided under waivers authorized by section 1332 of PPACA[31] should they choose to do so and should the waiver satisfy all applicable requirements.

Also, states have flexibility to establish a different, shorter maximum initial contract term consistent with state law. In addition, these final rules require the prominent display of a notice in the contract and any application materials provided in connection with enrollment in short-term, limited-duration insurance to alert

[30] CMS Exchanges Trend Report, July 2, 2018.

[31] 42 U.S.C. 18052.

consumers about how coverage under the policy might vary from coverage under individual health insurance coverage. See the discussion below for an explanation of the changes the Departments are making to the required notice in this final rule in response to commenters' concerns about consumers' potential misunderstanding of some of those variations. These changes include a clarification that states have the flexibility to require additional consumer disclosures.

Many commenters who opposed the extension of the maximum initial contract term for short-term, limited-duration insurance expressed concern about what they viewed as a history of aggressive and deceptive marketing practices by individuals who market short-term, limited-duration insurance. One commenter stated that over the past 2 years, state regulators have seen an increase in complaints about such insurance, with consumers saying they were unaware their plan did not provide comprehensive coverage or that they could be refused a new policy at the end of the contract term. Many commenters provided examples of specific issues states were dealing with, such as issues with claims handling. In a 10-state survey conducted by the Commonwealth Fund [32] cited to by some commenters, state regulators noted an increase in complaints about brokers using deceptive practices to enroll people in short-term, limited-duration insurance over the phone. Some commenters also mentioned the low levels of health literacy, particularly among younger adults, and how this could exacerbate deceptive marketing practices by short-term, limited-duration insurance issuers and brokers. Several commenters stated that they did not want state laws prohibiting the sale of short-term, limited-duration insurance preempted.

This final rule establishes federal standards for short-term, limited-duration insurance only with respect to the maximum length of the initial contract term, the maximum duration of a policy (including renewals and extensions under the same insurance contract), and a consumer notice. States are free to regulate such coverage in every other respect. This contrasts with the federal regulation of individual health insurance coverage under the PHS Act, which touches many aspects of individual health insurance coverage, and therefore limits the degree to and areas in which states may regulate such coverage. This is yet another way in which the federal regulation of short-term, limited-duration insurance in this rule is different from individual health insurance coverage. In fact, several commenters (both in favor of, and opposed to, the proposed rule) said that states should retain the authority to regulate short-term, limited-duration insurance, and that such authority should not be preempted by the PHS Act. Several commenters requested the Departments to coordinate with the states on the regulation of short-term, limited-duration insurance. The Departments have considered those comments, and we acknowledge and respect states' authority to regulate the business of insurance. The Departments generally agree that states retain the authority to regulate short-term, limited-duration insurance and further note that this final rule does not change or otherwise modify the existing PHS Act preemption standard.[33] As such, states may shorten the length of the maximum initial contract term, the 36-month total maximum duration (including renewals or extensions) discussed further below, or both, although they may not lengthen them. Relatedly, as discussed later in this preamble, in this final rule, the Departments added language to the notice to alert consumers to how the coverage they are purchasing might vary from individual health insurance coverage and also added a clarification to the regulation text that states may also impose additional requirements with respect to the language in the consumer notice. States remain free to regulate short-term, limited-duration insurance. We also clarify that this final rule does not preempt any state laws prohibiting the sale of short-term, limited-duration insurance.

Renewability of Short-Term, Limited-Duration Insurance Coverage

The proposed rule provided that in determining whether an insurance contract had a duration of less than 12 months, extensions that may be elected by the policyholder without the issuer's consent were taken into account. The Departments solicited comments on the conditions under which issuers should be able to allow short-term, limited-duration insurance to continue 12 months or longer with the issuer's consent. The Departments also solicited comments on whether any processes for expedited or streamlined reapplication for short-term, limited-duration insurance that would simplify the reapplication process and minimize the burden on consumers may be appropriate; whether federal standards are appropriate for such processes; and whether any clarifications are needed regarding the application of the proposed definition of short-term, limited-duration insurance to such practices. For example, the proposed rule preamble noted that an expedited process could involve setting minimum federal standards for what must be considered as part of the streamlined reapplication process while allowing issuers to consider additional factors in accordance with contract terms. The Departments were also interested in information on any state approaches (including any approaches that states are considering adopting) to minimize the burden of the reapplication process for issuers and consumers.

Several commenters questioned the Departments' authority to permit the duration of short-term, limited-duration insurance to extend to 12 months or longer through renewal or extension of such policies. One commenter stated that ''limited-duration'' means these policies cannot be made guaranteed renewable. Several commenters stated that establishing a guaranteed renewability requirement for short-term, limited-duration insurance would be contrary to the plain language of the statute since short-term, limited-duration insurance is excluded from the statutory definition of individual health insurance coverage. One commenter stated that short-term, limited-duration insurance issuers should be permitted to sell a policy with a duration of less than 12 months, with a separate guaranteed renewability rider, allowing the customer to buy a new policy without underwriting. The commenter stated that the Departments have no statutory authority to prohibit or otherwise regulate such arrangements, and that the Departments have no authority to require guaranteed renewability, or prohibit it. One commenter suggested that issuers be allowed to sell multiple consecutive policies at the initial point of sale and be allowed to sell renewal options with and without preexisting conditions exclusions. One commenter stated that the term ''short-term, limited-duration insurance'' provides authority to define the length of time within which such insurance contracts must expire, but does not provide authority to limit how many contracts consumers enter into, or to regulate renewal guarantees. The commenter

[32] Dania Palanker, Kevin Lucia, Sabrina Corlette, Maanasa Kona, ''Proposed Federal Changes to 'Short-Term Health Coverage Leave Regulation to States'', Commonwealth Fund, February 20, 2018. Available at *https://www.commonwealthfund.org/blog/2018/proposed-federal-changes-short-term-health-coverage-leave-regulation-state.*

[33] *See* section 2724 (formerly section 2723) of the PHS Act and 45 CFR 146.143 and 148.210. *See also* 62 FR 16894 at 16904 and 69 FR 78719 at 78739.

asserted that renewal guarantees are not ''health insurance coverage,'' explaining that such guarantees protect against premiums increasing, but do not provide benefits consisting of items and services paid for as medical care and therefore, the Departments cannot regulate these contracts. Since renewal guarantees are not ''health insurance coverage,'' the commenter asserted, it is reasonable to interpret the statute as not counting renewal guarantees against the time limit the Departments set for the contract for medical benefits. Another commenter stated that, should the final rule allow renewals, then changing the interpretation of this from the current rule, without support, would violate federal law.

Other commenters commented on the renewal of short-term, limited-duration insurance coverage from a policy perspective. Most such commenters who supported the proposed rule stated that short-term, limited-duration insurance should be permitted to be renewable, while those who opposed the proposed rule and some who agreed with lengthening the maximum period were opposed to permitting such policies to be renewable. One commenter stated that a federal mandate for automatic renewability would limit the rights of states and the ability of state regulators to determine the design, length, and sales practices of short-term, limited-duration insurance plans in a manner that best protects their consumers and markets. A few commenters addressed the extent to which, and the circumstances under which, individuals should be permitted to reapply for coverage under an expedited application process. Some of these commenters opposed such an expedited process, while others favored permitting it. One commenter suggested that short-term, limited-duration insurance issuers could design a less-than-12-month plan with an option to re-write at point of sale. This product would have a different set of underwriting questions at point of sale for the option. Upon expiration of the initial contract term, the issuer could elect to waive preexisting conditions and underwriting for the new less-than-12-month period. One commenter stated that federal standards should regulate short-term, limited-duration insurance policies, including standards for reapplication, while one commenter asserted that states should maintain authority to regulate the application and reapplication process. Another commenter that supported the proposed rule suggested further expanding the proposed federal standards to permit guaranteed renewals for short-term, limited-duration insurance.

Although some commenters questioned whether the Departments have authority to impose a guaranteed renewability requirement on short-term, limited-duration insurance, this final rule does not impose such a requirement. Rather, it permits, but does not require, issuers to renew or extend a short-term, limited-duration policy up to a maximum total duration of 36 months and still have such coverage considered short-term, limited-duration insurance. This rule does so by establishing a maximum duration of a short-term, limited-duration insurance policy (inclusive of the initial contract term and renewals or extensions under the same insurance contract) of no longer than 36 months.

Under this final rule, the total number of consecutive days of coverage under a single (that is, the same) insurance contract is the relevant metric to calculate the duration of the coverage to determine if it satisfies the 36-month maximum duration standard. In contrast, the total number of consecutive days of coverage under two or more (that is, separate) insurance contracts, even if one picks up where the last ended, is irrelevant to the 36-month maximum duration standard. The number of days of coverage in separate contracts is considered separately and the relevant question is whether each individual contract satisfies the 36-month maximum duration standard. Nothing in this final rule precludes the purchase of separate insurance contracts that run consecutively, so long as each individual contract is separate and can last no longer than 36 months.

With respect to the comment that, should the final rule allow renewals, then changing the interpretation of this from the current rule, without support, would violate federal law, the Departments note that the current rule (the October 2016 final rule) also allows renewals.[34] Accordingly, with regard to permitting renewals, there is no change of interpretation. The only difference between the two rules with respect to renewals is that the current rule allows renewals to the extent the total duration of coverage, including the initial contract term and any extensions or renewals, is less than 3 months, whereas this final rule allows renewals to the extent the maximum duration of a policy, including the initial contract term and renewals or extensions, is up to 36 months.

The Departments have determined that the 36-month limit on coverage, including the initial contract term, plus renewals or extensions (without limiting consecutive periods of *separate* coverage, as explained above) satisfies the ''limited-duration'' component of the statutory term ''short-term, limited-duration insurance'' (while the less-than-12-months limit on the initial contract term, discussed above, satisfies the ''short-term'' component of the term). The Departments note that Congress did not change the existing reference to short-term, limited-duration insurance as an exclusion from the PHS Act definition of ''individual health insurance coverage'' or otherwise address short-term, limited-duration insurance in PPACA, which indicates Congress was not concerned with short-term, limited-duration insurance existing side-by-side, at least under the standard in place prior to the October 2016 rule, with individual health insurance coverage. The Departments believe that a maximum duration of 36 months for short-term, limited-duration insurance is consistent with these two insurance markets existing side-by-side, while still giving meaning and effect to the ''limited-duration'' component of short-term, limited-duration insurance.

Likewise, the Departments' interpretation is consistent with the canon of statutory construction that disfavors rendering one or more statutory words or phrases redundant. Here, Congress used two terms: ''short-term'' and ''limited-duration.'' The Departments have concluded that these two terms are best interpreted to refer to periods of time of differing length; if they both referred to a time period of the same length (for example, if the Departments interpreted both words to refer to a time period of less than twelve months), then one of the terms would be rendered redundant, or nearly so. The Departments likewise conclude that the term ''limited-duration'' refers to a longer time period than ''short-term,'' because, while an insurance policy's duration is (absent cancellation) never shorter than its term, a policy's term can be shorter than its duration (if the policy is renewed or extended). Thus, the Departments conclude that the term ''limited-duration'' refers to a period of time that is longer than the time period contemplated by the term ''short-term,'' and contemplates renewal of a short-term policy for a time period potentially

[34] The 1997 HIPAA rule similarly addressed extensions for short-term, limited-duration insurance (that is, short-term, limited-duration insurance was defined as health insurance coverage provided pursuant to a contract with an issuer that has an expiration date specified in the contract (taking into account any extensions elected by the policyholder without the issuer's consent) that is less than 12 months after the original effective date of the contract). 62 FR 16894 (April 8, 1997).

longer than the maximum term length for which a short-term policy can be acquired (under this final rule, less than 12 months).

In determining the appropriate limits on the permissible range of renewals or extensions in giving meaning to the term ''limited-duration,'' the Departments were informed by the stakeholder comments and other circumstances under which Congress authorized temporary limited coverage options. In particular, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) requires certain group health plans to extend group health coverage to certain individuals otherwise losing that coverage.[35] COBRA requires certain group health plan sponsors to provide a temporary continuation coverage option for a minimum of 18, 29, or 36 months, depending on the nature of the qualifying event that triggers the temporary coverage period. Under COBRA, the maximum period that COBRA coverage could extend is for a period of 36 months (where the qualifying event is employee enrollment in Medicare, divorce or legal separation, death of an employee, or loss of dependent child status (that is, ''aging out'' under the plan)). In certain circumstances, individuals experiencing a qualifying event such as job loss, which triggers an initial 18-month COBRA continuation coverage period, may experience a second qualifying event, making them eligible for a total maximum duration of 36 months of COBRA continuation coverage.

Similar to COBRA, short-term, limited-duration insurance also serves as temporary coverage for individuals transitioning between other types of coverage, and accordingly the Departments believe that it is reasonable to look to COBRA in giving meaning to ''limited-duration,'' as both types of coverage serve an analogous purpose—that is, to provide temporary health coverage for individuals who are not currently eligible for or enrolled in comprehensive medical coverage, and are transitioning between types of coverage. Unlike COBRA, where Congress explicitly authorized a sliding scale of maximum duration periods, the Departments decline to adopt a sliding scale approach to the maximum duration period for short-term, limited-duration coverage. We adopt the approach outlined in this final rule for simplicity in the absence of explicit, staggered statutory maximums and because no party is required to renew or extend coverage for the maximum duration with respect to a short-term, limited-duration insurance policy; instead whether to provide coverage for the maximum period is left to the states and/or contracting parties. Accordingly, in establishing federal standards for short-term, limited-duration insurance, the Departments interpret the term ''limited-duration'' in a manner consistent with the temporary continuation coverage maximums available through COBRA and the somewhat similar statutory temporary continuation of coverage provisions under the Federal Employees Health Benefits Program,[36] which permit continuation of coverage for up to a maximum duration of 36 months.

Individuals may choose to purchase short-term, limited-duration insurance for a variety of different reasons, which may align with various COBRA qualifying events or not. Further, whereas COBRA describes the *minimum* period that certain group health plan sponsors *must* offer COBRA continuation coverage, these regulations describe the *maximum* coverage period during which insurers *may* renew a short-term, limited-duration insurance policy. However, the Departments conclude that the 36-month maximum coverage period is a reasonable and appropriate benchmark for interpreting the term ''limited-duration.'' By allowing COBRA coverage to last up to 36 months in some circumstances, Congress recognized that 36 months qualifies as a temporary period of transition, during which coverage of limited duration may be useful. The Departments have strong policy considerations, as described elsewhere herein, for adopting an interpretation of the term ''limited-duration'' that provides a flexible period of insurance for individuals transitioning between other types of coverage, and COBRA's 36-month maximum provides precedent for a 36-month coverage period that is designed to be of limited duration. Therefore, in looking to COBRA as a guidepost for determining the maximum duration of short-term, limited-duration insurance (that is, the length of coverage under the initial contract term, plus renewals or extensions), the Departments believe the 36-month COBRA period, rather than the 18-month COBRA period, is more appropriate.

The Departments also believe permitting renewal or extension of a short-term, limited-duration insurance policy, but only to the extent the maximum duration of coverage under a policy is no longer than 36 months, serves to further distinguish such short-term, limited-duration insurance from individual health insurance coverage, which must be guaranteed renewable indefinitely, except under certain limited circumstances.[37] As noted earlier in this rule, states have flexibility to establish a different, shorter maximum duration for a short-term, limited-duration policy (including renewals or extensions) consistent with state law.

While the Departments did not specifically propose the 36-month maximum duration period for short-term, limited-duration insurance coverage in the proposed rule, comments were solicited on all aspects of the proposed rule, including whether the length of short-term, limited-duration insurance should be a different duration than less than 12 months, and the circumstances, if any, under which issuers should be allowed to continue (that is, renew) such coverage for 12 months or longer.[38] Comments were also solicited on a potential reapplication process for short-term, limited-duration insurance, including whether there should be federal standards for such a process. In response, the Departments received a wide range of comments indicating that short-term, limited-duration insurance coverage should be required to be guaranteed renewable, should be permitted to be renewed or extended for a designated period of time, and also that it should not be allowed to be renewed or extended beyond the initial contract term. We also received a number of suggestions regarding the adoption of federal standards governing any reapplication processes. After consideration of all the comments related to the issue of renewability or extensions, and for the reasons stated above, this final rule permits a short-term, limited-duration insurance policy to be renewed or extended so that the total duration of coverage under the policy may be up to 36 months.

Renewal guarantees generally permit a policyholder, when purchasing his or her initial insurance contract, to pay an additional amount, in exchange for a guarantee that the policyholder can elect to purchase, for periods of time following expiration of the initial contract, another policy or policies at some future date, at a specific premium that would not reflect any additional underwriting. In 2009, shortly before enactment of PPACA, one of the

[35] 26 U.S.C. 4980B(f), 29 U.S.C. 1161–1168, 42 U.S.C. 300bb–1—300bb–8.

[36] 5 U.S.C. 8905(a).

[37] Section 2703 of the PHS Act; *see also* 42 U.S.C. 300gg–42.

[38] *See,* for example, 83 FR 7440.

nation's largest health insurance issuers received regulatory approval from 25 states to offer renewal guarantees as a standalone product, for an annual premium equal to 20 percent of the cost of a guaranteed renewable health insurance policy.[39] With respect to the comments on renewal guarantees, to the extent a contract for health insurance coverage is extended or renewed, whether due to a renewal guarantee or otherwise, the period of health insurance coverage that is covered by the renewal or extension of the policy is counted toward the 36 month maximum duration, as to not do so would ignore the meaning of the statutory phrase ''limited-duration.'' However, to the extent a contract does not provide health insurance coverage[40] and instead consists of a separate transaction or other instrument under which the individual can, in advance, lock in a premium rate in the future or the ability to purchase a new, separate short-term, limited-duration insurance policy at a specified premium rate at a future date without re-underwriting, such subsequent periods of coverage under the new, separate short-term, limited-duration insurance policies would not count toward the 36-month maximum. Through these mechanisms, it may be possible for a consumer to maintain coverage under short-term, limited-duration insurance policies for extended periods of time to protect themselves against financial vulnerabilities, such as developing a costly medical condition. The ability to purchase such instruments, which are essentially options to buy new policies in the future, is at present permitted under federal law, and this rule does nothing to forbid or permit such transactions. Furthermore, the Departments note that anyone, not just policyholders of short-term, limited-insurance, can purchase such instruments under current federal law (which this rule does not alter).

Similarly, the Departments also have not, and do not in this final rule, prohibit issuers from offering a new short-term, limited-duration insurance policy to consumers who have previously purchased this type of coverage, or otherwise prevent consumers from stringing together coverage under separate policies offered by the same or different issuers, for total coverage periods that would exceed 36 months.[41] The Departments are also significantly limited in their ability to take an enforcement action under the PHS Act market rules with respect to such transactions involving products or instruments that are not health insurance coverage.[42] As commenters mentioned, we also recognize that the mechanisms and means by which coverage may be extended or renewed may vary from state to state. Further, states can shorten the maximum duration for a short-term, limited-duration insurance policy, but cannot extend the maximum duration beyond the 36-month federal standard.

Therefore, as stated above, under this final rule, the total number of consecutive days of coverage under the *same* insurance contract is considered when calculating the duration of a policy for purposes of determining if the insurance satisfies the 36-month maximum duration federal standard. In contrast, the total number of consecutive days of coverage under *separate* insurance contracts is *not* considered when calculating the duration of coverage for such purpose. Rather, in such cases, the number of days of coverage under *each* contract of insurance is considered separately, to determine if the duration of the coverage under each contract satisfies the 36-month maximum duration standard, and coverage under each new contract commences a new period of coverage. The Departments generally defer to state law to determine the circumstances under which consecutive periods of coverage are under the same, or under separate, insurance contracts.

In addition to having authority to allow renewals or extensions for a maximum duration of up to 36 months, the Departments also determined there are sound policy reasons to provide the ability for renewals and extensions as set forth in the final rule. Many of these reasons are discussed above with respect to the less-than-12-month initial contract term maximum finalized in this rule. As many commenters pointed out, to the extent that the maximum duration of short-term, limited-duration insurance is limited to a relatively short period of time, for example, less than 3 months, or even less than 12 months, without permitting renewals or extensions, this would mean that every 3 months or every 12 months, an individual purchasing short-term, limited-duration insurance would be subject to re-underwriting, and would possibly have his or her premium greatly increased as a result. Also, to the extent the policy excluded preexisting conditions for a specified period of time or imposed a waiting period on specific benefits, the individual might not get credit for the amount of time he or she had the previous coverage. The issuer could also decline to issue a new policy to the consumer based on preexisting medical conditions. The Departments find all of these to be compelling reasons in favor of permitting renewals and extensions as set forth in the final rule, such that the maximum duration of coverage under a single short-term, limited-duration insurance policy may be 36 months (including renewal or other extension periods), as opposed to less than 12 months. While the Departments anticipate that some issuers will choose to provide renewals without the restrictions described above (such as providing renewals without premium increases and without re-setting preexisting condition exclusion waiting periods), we note that short-term, limited-duration insurance issuers are not required to do so under this final rule and may determine the terms of the renewal in the short-term, limited-duration insurance contract, subject to the definition of short-term, limited-duration insurance in this final regulation and any permissible state law variations. Further, in consideration of Congress' intent to exempt from the definition of individual health insurance coverage (and therefore, to exempt from the HIPAA and PPACA individual market requirements) short-term, limited-duration insurance, the Departments are not imposing a guaranteed renewability requirement on short-term, limited-duration insurance.

The Departments appreciate the comments and suggestions regarding simplified or expedited application and reapplication processes. The Departments decline to adopt or otherwise establish federal standards regarding such procedures at this time. Rather, the Departments defer to the states to define and regulate such practices.

Notice

In the proposed rule, the Departments proposed to revise the notice that must appear in the contract and any application materials provided in connection with enrollment in short-term, limited-duration insurance. The Departments noted concerns that short-term, limited-duration insurance policies that provide coverage lasting almost 12 months may be more difficult for some individuals to distinguish from coverage available in the individual

[39] Reed Abelson, ''United Health to Insure the Right to Insurance,'' *New York Times,* December 2, 2008, *https://www.nytimes.com/2008/12/03/business/03insure.html.*

[40] *See* section 2792(b)(1) of the PHS Act.

[41] 81 FR 75318.

[42] However, the Departments may have the authority to regulate health insurance coverage issued pursuant to such an instrument.

market, which is typically offered on a 12-month basis. Accordingly, under the proposed rule, one of two versions of the following notice was proposed to be required to be prominently displayed (in at least 14 point type) in the contract and in any application materials provided in connection with enrollment:

THIS COVERAGE IS NOT REQUIRED TO COMPLY WITH FEDERAL REQUIREMENTS FOR HEALTH INSURANCE, PRINCIPALLY THOSE CONTAINED IN THE AFFORDABLE CARE ACT. BE SURE TO CHECK YOUR POLICY CAREFULLY TO MAKE SURE YOU UNDERSTAND WHAT THE POLICY DOES AND DOESN'T COVER. IF THIS COVERAGE EXPIRES OR YOU LOSE ELIGIBILITY FOR THIS COVERAGE, YOU MIGHT HAVE TO WAIT UNTIL AN OPEN ENROLLMENT PERIOD TO GET OTHER HEALTH INSURANCE COVERAGE. ALSO, THIS COVERAGE IS NOT ''MINIMUM ESSENTIAL COVERAGE''. IF YOU DON'T HAVE MINIMUM ESSENTIAL COVERAGE FOR ANY MONTH IN 2018, YOU MAY HAVE TO MAKE A PAYMENT WHEN YOU FILE YOUR TAX RETURN UNLESS YOU QUALIFY FOR AN EXEMPTION FROM THE REQUIREMENT THAT YOU HAVE HEALTH COVERAGE FOR THAT MONTH.

Given that the individual shared responsibility payment is reduced to $0 for months beginning after December 2018, the Departments proposed that the final two sentences of the notice must appear only with respect to policies sold on or after the proposed applicability date of the rule, if finalized, that have a coverage start date before January 1, 2019.

The Departments solicited comments on this revised notice, and whether its language or some other language would best ensure that it is understandable and sufficiently apprises individuals of the nature of the coverage.

Many commenters generally supported the approach in the proposed rule that a short-term, limited-duration insurance policy must include such a notice. One commenter stated that the notice should not be part of the definition of short-term, limited-duration insurance, but should be a separate requirement that applies once a policy satisfies the short-term, limited-duration insurance definition. One commenter stated that requiring short-term, limited-duration insurance issuers to use one of two different notices (depending on the year) is burdensome to issuers and state regulators with respect to filing policies, and suggested developing one notice that could be used for all years. A few other commenters also more generally supported the use of just one type of notice. One commenter stated that issuers should be permitted to modify the notice to provide additional disclosures about their short-term, limited-duration insurance product, subject to state approval, while another commenter said that states should be permitted to prescribe their own notice language, with the federal language as a default for those states that fail to do so.

The Departments believe it is important and appropriate for issuers of short-term, limited-duration insurance to disclose the key potential characteristics of such insurance to applicants and policyholders. Consumers need as complete and accurate information as possible in order to make informed coverage purchasing decisions—whether it be for comprehensive, major medical coverage in the individual market or for short-term, limited-duration insurance, which can consist of a wide variety of coverage options. Therefore, the final rule retains the notice requirement, with some changes to content and style, as discussed below.

The Departments decline to adopt the suggestion that the notice should not be part of the definition of short-term, limited-duration insurance, but instead should be a separate requirement, once a policy satisfies the definition of short-term, limited-duration insurance. The Departments do not believe there is a compelling reason to so change the regulatory structure. The Departments also decline to adopt the suggestion that one disclosure notice be used, regardless of the year in which the policy is issued. As previously stated, the amount of the individual shared responsibility payment will be $0 for months beginning January 2019. For short-term, limited-duration policies covering any months before January 2019, the Departments believe it is critical that the disclosure notice inform applicants and policyholders that they could be liable for the individual shared responsibility payment, given the potential financial consequences for not maintaining MEC during that time. However, for policies not covering any such month, not only would such language be irrelevant, but the Departments believe it could be confusing. The Departments further note that the language in the two notices is verbatim with the exception of the final two sentences (which must not appear in notices provided with short-term, limited-duration insurance policies with a coverage start date on or after January 1, 2019). Therefore, the Departments believe any burden associated with the two notices applying to different periods are outweighed by the benefits of mitigating the potential for consumer confusion that could result from maintaining the last two sentences in the notice, when provided for policies with an effective date on or after January 1, 2019.

With respect to additional flexibility to add language to the notices, the Departments have clarified as part of the final regulations that states may require additional language to be included in the notices, as discussed elsewhere in this rule. In addition, there is no prohibition on issuers including additional language in their notices, as long as the additional language accurately describes the coverage.

Many commenters suggested specific changes to the content of the notices. Some commenters suggested expanding the notice to include details such as which benefits are not covered by the plan, whether preexisting conditions are covered, which PPACA protections will not be applicable, and more clearly state that loss of short-term, limited-duration insurance will not trigger a special enrollment period in the individual market. Several commenters stated that the notice should not only distinguish short-term, limited-duration insurance from available individual market plans, but should also distinguish the former from excepted benefits coverage. Some commenters suggested making the notice available in several languages. One commenter stated that the notice should illustrate how certain conditions would be covered. Several commenters stated that the notice should not be in capital letters. A few commenters stated that the notice should inform consumers that if they choose to purchase short-term, limited-duration insurance following expiration of the policy, they will be underwritten again, while another commenter stated that the notice should state that, even if the consumer passes re-underwriting, he may not be covered for medical conditions that the previous policy covered. A few commenters stated that the notice should indicate that purchasers of short-term, limited-duration insurance cannot qualify for PTCs (although some purchasers of qualified health plans sold on the Exchange can). One commenter stated that the notice should say that the policy ''does not comply,'' as well as ''is not required to comply,'' with PPACA requirements. One commenter stated that the notice should have a CAUTION heading, be in bullet form, be written in dark-color type, be literacy-tested to a 6th grade reading level, and have the MEC language listed first. One commenter stated that the notice should appear on the first page of the policy, rather than be displayed ''prominently.'' One commenter stated that the

statement that short-term, limited-duration insurance may not comply with PPACA and may require additional payment with your taxes should be removed. One commenter noted that in addition to PPACA, short-term, limited-duration insurance is also exempt from other specific federal laws and that should be included in the notice as well. One other commenter recommended that the notice include a link to the applicable state-based Exchange website or *HealthCare.gov*.

The Departments agree with some of the commenters who suggested providing additional specificity in the notice. Therefore, the notice in the final rule has been revised to add language to make consumers aware of potential exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). The notice in the final rule also contains new language informing consumers that the policy might have lifetime and/or annual dollar limits on health benefits. The Departments did not incorporate the other additional language suggested by other commenters. The Departments believe the language added in this final rule provides important new information to consumers, without lengthening the notice to such an extent that would make it cumbersome to read, or cause consumers to not read it at all. The Departments are also cognizant of the burdens and costs on issuers that would be associated with a longer notice. However, states may require additional language in the notice, consistent with their authority to regulate short-term, limited-duration insurance. The Departments also agree with the commenters who suggested that the notice not be in all capital letters, as the Departments believe the notice will be more readable in sentence case.[43] Therefore, the notice in the final rule is in sentence case.

Given the varying demographics of different states, the Departments disagree with the comment that this final rule should require the notice to be available in several languages. Although the Departments believe it is important for the disclosure notice to be useful and informative to individuals who are most literate in a language other than English, the Departments decline in this rule to require that the notice be provided in additional languages. States as primary regulators of short-term, limited-duration insurance can impose additional requirements as may be necessary to meet local needs. The Departments disagree with the comment that the notice have a CAUTION heading, should be in bullet form, should be written in dark-color type, be literacy-tested to a 6th grade reading level, and should have the MEC language listed first. The Departments believe the form of this notice should be in straight text, which is the same form of most documents that individuals are accustomed to reading. The Departments also believe that a CAUTION heading might inappropriately bias the reader against short-term, limited-duration insurance; the Departments instead believe the notice should assist the consumer in making an informed choice about the type of coverage that is most appropriate for him or her. The Departments disagree with the comment that the MEC language should appear first in the notice. Although that language is important, the Departments believe most consumers would find the language that appears before the MEC language in the final notice to be more significant when deciding whether short-term, limited-duration insurance is the most appropriate type of coverage for their personal needs.

In addition, the Departments believe the language in the notice in the proposed rule stating that ''This coverage is not required to comply with federal requirements for health insurance'' could be interpreted too broadly, as meaning that the issuer of such coverage is not required to comply with certain other federal requirements not related to health insurance market rules that apply generally to issuers as well as other entities. Therefore, the Departments revise that clause in the notice in this final rule to read: ''This coverage is not required to comply with certain federal market requirements for health insurance.'' In this final rule, the disclosure now reads as follows, with the first, second and third sentences differing from the proposal:

> This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not ''minimum essential coverage.'' If you don't have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

Importantly, the Departments note that we do not have evidence that erm, limited-duration insurance has not historically covered or is unlikely to cover hospitalization and emergency services. These benefits are included in the notice, however, due to an abundance of caution. Several commenters stated that, in order to meet the definition of short-term, limited-duration insurance, the issuer should be required to provide information through other means in addition to the notice. One commenter stated that, in addition to the notice, to satisfy the definition of short-term, limited-duration insurance, issuers should be required to include a plain-language explanation of the general limits of such insurance in the application, and that the application should have a signature line indicating that the consumer received and understood it. Several commenters stated that the notice should require the purchaser to initial several discrete statements about the limitations of the policy at the time of application. Several commenters stated that the Summary of Benefits and Coverage (SBC) requirement, as set forth in section 2715 of the PHS Act, should apply to short-term, limited-duration insurance. One commenter stated that the term ''short-term, limited-duration insurance'' should display prominently in the footer on every page of the contract, and in any application, sales, and marketing materials, and the outline of coverage should include a ''warning'' that this is temporary coverage that provides limited benefits. Several commenters stated that the statement in the notice should also appear in marketing materials. One commenter stated that the notice should be read out loud to any prospective purchaser, particularly those with limited English proficiency. One commenter stated that, in addition to providing the notice, short-term, limited-duration issuers should be required to name their policies in such a way as to distinguish them from individual health insurance coverage, maybe by inserting the word ''Limited'' as part of the name of the policy. Several commenters stated that the notice should be accompanied by a list of network providers.

[43] *See also,* for example, Bryan A. Garner, *What's Wrong With Initial-Caps Point Headings, https://bit.ly/2uNHtNL* (over use of capital letters may mean that ''readers will probably skip over what you're trying to make sink in.'')

The Departments believe that the requirements relating to both the content and delivery of the notice as set forth in this final rule strike the appropriate balance to help each consumer make an informed choice about the type of coverage that is most appropriate for him or her, while not being overly burdensome to issuers of short-term, limited-duration insurance or inappropriately biasing the reader against short-term, limited-duration insurance. The Departments therefore decline to adopt these suggestions by commenters. However, as previously noted, states may specify additional methods and forms of disclosure, as well as mandate additional disclosure requirements that issuers of short-term, limited-duration insurance must comply with, consistent with their authority to regulate such coverage. Because short-term, limited-duration insurance is not individual health insurance coverage under the PHS Act, it is not subject to the SBC requirements established under section 2715 of the PHS Act.

Finally, the Departments note that to the extent an issuer of short-term, limited-duration insurance provides a contract or application materials in connection with extension or renewal of a short-term, limited-duration policy, the notice must be displayed prominently in any such materials, just as it must be displayed prominently in the contract and in any materials provided in connection with enrollment in such coverage.

Short-Term, Limited-Duration Insurance as Student Health Insurance Coverage

Some commenters asked whether short-term, limited-duration insurance may be sold as ''student health insurance coverage'' within the meaning of HHS regulations. It may not.

''Student health insurance coverage'' is defined in HHS regulations at 45 CFR 147.145(a), which provides that ''student health insurance coverage'' is a type of individual health insurance coverage. Thus, ''student health insurance coverage'' under the definition of ''student health insurance coverage'' must satisfy the PHS Act requirements for individual health insurance coverage, except for those specified in 45 CFR 147.145(b). Accordingly, short-term, limited-duration insurance cannot be ''student health insurance coverage'' because it is by definition not individual health insurance coverage. However, to the extent permitted by state law, an issuer may sell short-term, limited-duration insurance to individual students in institutions of higher education (or to individual students in boarding or other pre-higher-education institutions). Some higher education institutions may require their students to either purchase ''student health insurance coverage,'' or a type of coverage other than short-term, limited-duration insurance.

Short-Term, Limited-Duration Insurance and Minimum Essential Coverage

A few commenters asked whether, under the final rule, short-term, limited-duration insurance would be considered MEC. One commenter suggested that the Departments provide a special enrollment period to purchase individual health insurance coverage for individuals who lose short-term, limited-duration insurance coverage outside of the individual market open enrollment period, similar to how individuals who lose MEC are currently provided a special enrollment period.

Short-term, limited-duration insurance is not individual health insurance coverage, nor is it MEC. This rule does not recognize short-term, limited-duration insurance as MEC. The Departments further note that the reduction of the individual shared responsibility payment to $0 beginning with coverage months after December 31, 2018, mitigates the need to designate short-term, limited-duration insurance as MEC, given that individuals who do not have MEC during any such coverage months, including individuals who have short-term, limited-duration coverage, will not be subject to the individual shared responsibility payment. Additionally, this rule does not create a special enrollment period to enroll in individual health insurance coverage for individuals whose short-term, limited-duration insurance has ended. The disclosure notice puts purchasers of short-term, limited-duration insurance on notice that no such special enrollment period is available. The Departments acknowledge that the loss of eligibility for short-term, limited-duration insurance creates a special enrollment opportunity to enroll in a group health plan (as opposed to individual health insurance coverage), either insured or self-insured.[44]

Other Federal and State Requirements

Several commenters were in favor of imposing various additional federal requirements on short-term, limited-duration insurance that were not included in the proposed rule. These included requiring additional training for agents and brokers who sell such insurance, minimum federal standards such as a minimum range of benefits to be offered equally in rural and urban areas, basing premiums on statewide markets, coverage of preexisting conditions and preventive services and network adequacy standards, federal regulation and oversight of short-term, limited-duration insurance policies sold through group trusts and associations, and requirements for websites marketing both short-term, limited-duration insurance and individual health insurance coverage.

For purposes of establishing federal standards for short-term, limited-duration insurance, the Departments believe that setting the initial contract term to less than 12 months, a maximum duration for a policy (including renewals or extension under the same insurance contract) of 36 months, and a notice requirement, as set forth in this final rule, are the only necessary federal standards for short-term, limited-duration insurance. In recognition of the states' important, traditional role in regulating short-term, limited-duration insurance, the Departments decline to adopt any additional federal standards such as those suggested by the commenters. As discussed elsewhere in this final rule, states generally remain free to adopt these suggested standards, or other standards, as they see fit.

In response to the Departments' solicitation of comments on any regulations or other guidance or policy that limits issuers' flexibility in designing short-term, limited-duration insurance or poses barriers to entry into the short-term, limited-duration insurance market, a few commenters mentioned section 1557 of PPACA as such a limitation. One commenter observed that the lack of standardized regulation of short-term, limited-duration insurance across state lines causes barriers to entry, and suggested the Departments encourage state insurance departments to participate in an interstate compact to create standard regulations that result in one policy form filing and approval that is effective in many states.

Section 1557 of PPACA prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. This provision is administered by the HHS Office for Civil Rights, and it is beyond the scope of this rule to address the impact of section 1557 of PPACA on short-term, limited-duration insurance. With respect to the comment that state insurance departments should participate in an interstate compact to create standard regulations that result in

[44] *See* 26 CFR 54.9801–6, 29 CFR 2590.701–6, 45 CFR 146.117.

one policy form filing and approval that is effective in many states, the Departments did not propose and are not adopting such federal standards and generally defer to state insurance departments on that issue.

Effective Date and Applicability Date

The Departments proposed that this rule, if finalized, would be effective 60 days after publication of the final rule in the **Federal Register**. With respect to the applicability date, the Departments proposed that insurance policies sold on or after the 60th day following publication of the final rule, if finalized, would have to meet the definition of short-term, limited-duration insurance in the final rule in order to be considered such insurance. The Departments also proposed that group health plans and group health insurance issuers, to the extent they must distinguish between short-term, limited-duration insurance and individual health insurance coverage, must apply the definition of short-term, limited-duration insurance in the final rule as of the 60th day following publication of the final rule. The current regulations specify the applicability date for the definition of short-term, limited-duration insurance at 26 CFR 54.9833–1, 29 CFR 2590.736, 45 CFR 146.125, and 45 CFR 148.102. Therefore, the Departments proposed conforming amendments to those rules as part of this rulemaking.

The Departments also proposed a technical update in 26 CFR 54.9833–1, 29 CFR 2590.736, and 45 CFR 146.125 to delete the reference to the applicability date for amendments to 26 CFR 54.9831–1(c)(5)(i)(C), 29 CFR 2590.732(c)(5)(i)(C), and 45 CFR 146.145(c)(5)(i)(C) (regarding supplemental coverage excepted benefits).[45] Given that the applicability date for the amendments to those sections has passed, the Departments explained that it is no longer necessary to mention the ''future'' applicability date.[46] HHS similarly proposed to amend 45 CFR 148.102 to remove the reference to the applicability date for amendments to 45 CFR 148.220(b)(7) (regarding supplemental coverage excepted benefits).[47]

Some commenters supported the proposed effective and applicability date, suggesting that the rule should be effective and applicable as soon as possible, while others stated that the rule should be applicable as of January 1, 2019. Others stated that it should be applicable January 1, 2020, to allow issuers time to plan and prepare new plan designs and regulatory filings and to allow states the chance to enact any legislation or promulgate regulations they felt necessary. One commenter asserted that if the rule were to become effective in 2018, it would disrupt the markets for 2018 and 2019 without providing a fair opportunity for health insurance issuers of individual market plans to adjust their rates to account for the potential impact on the individual market risk pool. This commenter also stated that a delayed effective date would allow states time to educate the public. Some states and the National Association of Insurance Commissioners (NAIC) expressed concerns about the timing of this rule, noting that some states may want to modify existing laws and regulations and asked the Departments to give such states time to review their rules and seek statutory or regulatory changes. These states asked for flexibility in overseeing short-term, limited-duration insurance plans according to market-specific needs, including the ability to postpone or otherwise delay the effective date to review existing state requirements to facilitate a smooth transition and educate the public about this coverage option. Another commenter asked for an effective date that would allow issuers to begin selling short-term, limited-duration insurance, as defined in this final rule, in 2019, stressing the collapse of its individual market. One commenter stated that, given that individual health insurance issuers have set their 2018 rates assuming that short-term, limited-duration insurance is limited to less than 3 months, a change in the rule at this point would violate serious reliance interests.

The Departments understand that an applicability date of 60 days following publication of this final rule might cause challenges for some states and issuers as they move to adopt, enforce, and comply with the final rule. However, as stated elsewhere in this final rule, the Departments believe there is a critical need to expand access to health coverage choices in addition to individual health insurance coverage, which, as stated above, may not be the most appropriate or affordable policies for many individuals. The Departments believe that a uniform federal standard of less than 12 months for the initial contract term, with renewals or extensions permitted for a maximum duration of up to 36 months under a policy, and with the notice set forth in the final rule, is the appropriate federal standard for the reasons stated earlier, and must be applicable as soon as possible. Therefore, this final rule provides that the new definition of short-term, limited-duration insurance applies to insurance policies sold on or after October 2, 2018. This effective and applicability date, which is 60 days after the date this final rule was published in the **Federal Register**, is the effective and applicability date that was proposed in the proposed rule. The Departments realize that some states may wish to retain the less-than-3-month duration standard that was set forth in the October 2016 final rule, or some other standard that is narrower than the federal definition but for whom it might be difficult to enact legislation, or promulgate a regulation before the final rules goes into effect. Thus, the Departments reiterate that included in states' ability and authority to define and regulate short-term, limited-duration insurance, is the ability and authority to define and regulate such coverage in such a way as to impose a shorter (but not longer) maximum initial contract term and a shorter (but not longer) maximum duration for a policy than those included in this final rule. In addition, issuers of short-term, limited-duration insurance must comply with the notice requirement in this final rule, with respect to policies sold on or after October 2, 2018, with states having flexibility to require additional disclosures.

Group health plans, to the extent they must distinguish between short-term, limited-duration insurance and individual health insurance coverage for purposes of the federal requirements under the PHS Act, may apply the definition of short-term, limited-duration insurance contained in the final rule, as of October 2, 2018. The Departments believe this approach might substantially reduce burden for group health plan sponsors, particularly sponsors of large group health plans that operate in multiple states, as the Departments believe it could be burdensome for sponsors of such plans to have to familiarize themselves with the definition of short-term, limited-duration insurance that applies in each state in which the group health plan operates. However, to the extent an insurance contract is subject to state law that requires short-term, limited-duration insurance to have a maximum

[45] As explained in the proposed rule, the reference in current regulations at 45 CFR 146.125 to the applicability date of 45 CFR 146.145(c)(5)(i)(C) was a drafting error. It was intended to be a reference to 45 CFR 146.145(b)(5)(i)(C).

[46] The applicability date for these amendments (policy years and plan years beginning on or after January 1, 2017) remains unchanged.

[47] The applicability date for these amendments (policy years beginning on or after January 1, 2017) remains unchanged.

initial contract term and/or total duration of coverage that is shorter than the maximum periods under the definition of short-term, limited insurance in this final rule, and that requires the notice specified in that definition, a plan or a health insurance issuer may, or, if permitted or required by applicable state insurance law, must, as applicable, determine whether a given insurance contract is individual health insurance coverage or is short-term, limited-duration insurance by applying that state law to the coverage.

The Departments received no comments on the proposed conforming amendments and technical updates with respect to the applicability date, and are finalizing them in this final rule.

III. Economic Impact and Paperwork Burden

A. Summary

This rule amends the definition of short-term, limited-duration insurance coverage so that the coverage has a maximum initial contract term of less than 12 months and a maximum duration (including the initial contract term and renewals and extensions of the same insurance contract) of no longer than 36 months. The final rule also requires a notice be included in the contract and any application materials provided in connection with enrollment in such coverage.

The Departments have examined the effects of this rule as required by Executive Order 13563 (76 FR 3821, January 18, 2011, Improving Regulation and Regulatory Review), Executive Order 12866 (58 FR 51735, September 30, 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995, Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)) and Executive Order 13771 (January 30, 2017, Reducing Regulation and Controlling Regulatory Costs).

B. Executive Orders 12866 and 13563

Executive Order 12866 (58 FR 51735) directs 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). Executive Order 13563 (76 FR 3821, January 21, 2011) is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866.

Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis must be prepared for major rules with economically significant effects (for example, $100 million or more in any 1 year), and a ''significant'' regulatory action is subject to review by the Office of Management and Budget (OMB). The Departments anticipate that this regulatory action is likely to have economic impacts of $100 million or more in at least 1 year, and therefore meets the definition of a ''significant rule'' under Executive Order 12866. Therefore, the Departments have provided an assessment of the potential costs, benefits, and transfers associated with this final rule. In accordance with the provisions of Executive Order 12866, this final rule was reviewed by OMB.

1. Need for Regulatory Action

This rule contains amendments to the definition of short-term, limited-duration insurance for purposes of the exclusion from the definition of individual health insurance coverage under the PHS Act. This regulatory action is taken in light of Executive Order 13813 directing the Departments to consider proposing regulations or revising guidance to expand the availability of short-term, limited-duration insurance, as well as continued feedback from stakeholders expressing concerns about the October 2016 final rule. While individuals who qualify for PTCs are largely insulated from significant premium increases, individuals who are not eligible for subsidies are harmed by increased premiums in the individual market and the lack of other, more affordable, alternative coverage options. This final rule aims to increase insurance options for individuals unable or unwilling to purchase available individual market plans and provide more flexibility to states to pursue innovative solutions to meet their market-specific needs.

2. Summary of Impacts

In accordance with OMB Circular A–4, Table 1 depicts an accounting statement summarizing the Departments' assessment of the benefits, costs, and transfers associated with this regulatory action. The Departments believe the need for coverage options that are more affordable than individual health insurance coverage is critical, combined with the general need for more coverage options and choice. Therefore, the Departments believe that the benefits associated with this rule outweigh the costs.

TABLE 1—ACCOUNTING TABLE

Benefits:
Qualitative:
• Increased access to affordable health insurance for consumers unable or unwilling to purchase available individual market plans, potentially decreasing the number of uninsured individuals and resulting in improved health outcomes for these individuals.
• Increased choice at lower cost and increased financial protection (for consumers who are currently uninsured or face extremely high premiums and deductibles for PPACA coverage) from catastrophic health care expenses for consumers purchasing short-term, limited-duration insurance.
• Potentially broader access to health care providers compared to available individual market plans for some consumers.
• Increased profits for issuers and brokers of short-term, limited-duration insurance.
• Economic efficiency gains from people buying unsubsidized coverage and minimizing overinsurance.

TABLE 1—ACCOUNTING TABLE—Continued

Costs:
Qualitative: • Reduced access to some services and providers for some consumers who switch from available individual market plans and possibly reduced choice for individuals remaining in the individual market risk pools. • Potential increase in out-of-pocket costs for some consumers, possibly leading to financial hardship.
Transfers:
Qualitative: • Transfer from taxpayers (via the Federal government) to enrollees in individual market plans in the form of increased PTC payments. • Potentially higher premiums for some consumers remaining in the individual market as healthier than average individuals choose short-term, limited-duration insurance to a greater degree. • Tax liability for consumers who replace available individual market plans and will thus no longer maintain minimum essential coverage in 2018. • Potential increase in uncompensated care by hospitals.

Short-term, limited-duration insurance represents a small fraction of the health insurance market. Based on data from the NAIC, in 2016, before the October 2016 final rule became effective, total premiums earned for policies designated short-term, limited-duration by carriers were approximately $146 million for approximately 1,279,500 member months and with approximately 160,600 covered lives at the end of the year. During the same period, total premiums for individual market (comprehensive major medical) coverage were approximately $63.25 billion for approximately 175,689,900 member months with approximately 13.6 million covered lives at the end of the year.[48] One commenter stated, however, that the actual enrollment in short-term, limited-duration insurance was close to 500,000 covered lives in December 2016, once association based sales were taken into account. Another commenter cited a report [49] stating that enrollment in such coverage may be closer to one million. Based on data from the NAIC, in 2017, total premiums earned for policies designated short-term, limited-duration by carriers were approximately $151 million for approximately 1,053,082 member months and with approximately 122,483 covered lives at the end of the year.[50] While sales of short-term, limited-duration insurance declined after the October 2016 final rule was finalized, the sales of such coverage were increasing prior to the issuance of that rule. In part because under the October 2016 rule short-term, limited-duration plans may be offered only for periods of less than three months, fixed administrative costs for issuers, including underwriting, are likely to be high relative to premiums. In addition, the transactions costs of obtaining plans are high for consumers, relative to benefits claimed. Allowing plans to be sold for a longer period of time is expected to reduce these costs, making short-term, limited-duration plans more attractive for issuers and consumers. Given this and the trend we observed prior to issuance of the October 2016 rule, the Departments expect more issuers to offer a greater variety of short-term, limited-duration plans, and more consumers to purchase such plans, as a result of this rule.[51]

a. Benefits

This rule will benefit individuals who have been harmed by the increasing premiums, deductibles and cost-sharing associated with individual market plans and by limited choices. This rule empowers consumers to purchase the benefits they want and reduce overinsurance. Short-term, limited-duration insurance is likely to represent more efficient amounts of coverage since it lacks distortionary price controls and regulation that can greatly separate price from value and lead some people to overinsure and others to underinsure.

Lengthening the term of short-term, limited-duration plans will help reduce the fraction of the population that is uninsured by giving the uninsured a greater variety of plan choices. Similarly this rule also offers additional choice to persons who would otherwise be limited to the products offered on their local Exchange. By reducing the per-month transactions and administrative costs on such plans, this rule confers an economic benefit to its members because the insurance market passes on some or all of the cost savings as premium savings. This rule also helps the economic burden of PPACA to be shared more equitably by shifting some of the premium costs to general revenue from individual-market customers who are induced to purchase short-term, limited-duration plans rather than Exchange plans.

Consumers who purchase short-term, limited-duration insurance for longer periods than currently permitted will benefit from increased insurance options at lower premiums, as the average monthly premium for an individual in the fourth quarter of 2016 for a short-term, limited-duration policy was approximately $124 compared to $393 for an unsubsidized individual market plan—a premium savings of 70 percent.[52] This disparity may be wider given that unsubsidized premiums significantly increased from 2016 to 2018. A recent study concluded that the least expensive short-term, limited-duration insurance policy often costs 20 percent or less of the premium for the lowest-cost individual market bronze plan in the area.[53] While there is a significant difference in the premiums for short-term, limited-duration

[48] National Association of Insurance Commissioners, ''2016 Accident and Health Policy Experience Report'', July 2017. Available at *http://www.naic.org/prod_serv/AHP-LR-17.pdf.*

[49] Reed Abelson, ''Without Obamacare Mandate, 'You Open the Floodgates' for Skimpy Health Plans'', the New York Times, November 30, 2017. Available at *https://www.nytimes.com/2017/11/30/health/health-insurance-obamacare-mandate.html.*

[50] National Association of Insurance Commissioners, ''2017 Accident and Health Policy Report'', July 2018. Available at *https://naic.org/prod_serv/AHP-LR-18.pdf.*

[51] Other analysts also expect issuers to offer a greater variety of short-term limited-duration plans as a result of this rule. *See* Congressional Budget Office, ''Federal Subsidies for Health Insurance Coverage for People Under Age 65: 2018 to 2028,'' May 23, 2018. Available at *http://cbo.gov/publication/53826.*

[52] Michelle Andrews, ''Sales Of Short-Term Insurance Plans Could Surge If Health Law Is Relaxed'', NPR, January 31, 2017. Available at *http://www.npr.org/sections/health-shots/2017/01/31/512518502/sales-of-short-term-insurance-plans-could-surge-if-health-law-is-relaxed.*

[53] Karen Pollitz, Michelle Long, Ashley Semanskee, and Rabah Kamal, ''Understanding Short-Term Limited Duration Health Insurance'', Kaiser Family Foundation, April 23, 2018. Available at *https://www.kff.org/health-reform/issue-brief/understanding-short-term-limited-duration-health-insurance/.*

insurance and unsubsidized individual market plans, individuals qualifying for PTCs may not find the difference in premiums as appealing, as the difference in their out-of-pocket premium costs is likely relatively small. A recent study estimated that in 2016 the consumer portion of the premium, after the tax credit, for a 40 year old non-smoker making $30,000 per year ranged from $163 to $206 per month in most of the country.[54] However, the premium cost for a 40 year old non-smoker making $30,000, before accounting for any tax credit, ranged from $183 to $719 per month depending on location.[55] This rule will provide an affordable alternative to individuals who do not qualify for PTCs and have been harmed by rising premiums in the individual market. This final rule will also benefit individuals who need coverage for longer periods, such as those who need more than 3 months to find new employment, or who find available individual market plans to be unaffordable. Individuals who purchase short-term, limited-duration insurance as opposed to being uninsured will potentially experience improved health outcomes and have greater financial protection from catastrophic health care expenses. Individuals purchasing short-term, limited-duration policies may obtain broader access to health care providers compared to what they would obtain through individual market plans that have narrow provider networks.[56]

Issuers of short-term, limited-duration insurance will benefit from higher enrollment. They are likely to experience an increase in premium revenues and profits because such policies can be priced in an actuarially fair manner (by which the Departments mean the policies are priced so that the premium paid by an individual reflects the risks associated with insuring the particular individual or individuals covered by that policy) and issuers have experience pricing in this manner. In addition, the fixed costs of issuing plans will be reduced relative to premiums as issuers will not need to reissue plans every 3 months in order to cover consumers for a year or more.

In response to the Departments' request for comments on the benefits of having short-term, limited-duration insurance, many commenters stated that short-term, limited-duration insurance has served a critical role in providing temporary limited health coverage to individuals who would otherwise go uninsured. Some commenters also stated that the proposed changes would allow potential purchasers of short-term, limited-duration insurance, especially those who find individual market plans to be unaffordable, to obtain the coverage they want (and exclude services they do not want) at a more affordable price for a longer period of time. Other benefits commenters stated would flow from extending the maximum duration for short-term, limited-duration insurance include the facts that deductibles will not be reset every 3 months and that health conditions that develop during this coverage period will continue to be covered for a longer period of time. Commenters also stated that increasing the length of coverage would expand access to affordable coverage options for those who otherwise would lose coverage and could not pass underwriting and would not qualify for a special enrollment period because they would not be forced to go without coverage until the next open enrollment period. One commenter cited Bureau of Labor Statistics data that the average length of unemployment in the United States (U.S.) is 24.1 weeks, or about 5.5 months, as of March 2018; further stating that in 20.3 percent of cases the period of unemployment lasts 27 weeks or more, which means that 6 months is often not long enough to secure gainful employment.[57] Therefore, limiting the duration of short-term, limited-duration insurance policies to 3 months, or even 6 months, harms those Americans who find themselves unemployed for the average length of time or longer.

The Departments agree with the commenters that increasing the maximum duration of a short-term, limited-duration insurance policy will benefit consumers who have been most harmed by PPACA (for example, those who cannot afford or do not want individual health insurance coverage) or who want to purchase such coverage for longer than 3 months; it also will provide states with additional flexibility to pursue innovative approaches to expand access to coverage options in addition to individual health insurance coverage. The final rule increases the maximum duration of the initial contract term, under the federal definition, to less than 12 months and permits such policies to be renewed or extended such that the maximum duration of a policy, including the initial contract term specified in the contract and renewals and extensions, is no longer than 36 months.

One commenter asserted that short-term, limited-duration insurance plans typically provide coverage for all major benefits such as: Doctor and specialist visits, preventive/wellness care, emergency care, x-rays, lab tests, transplants, intensive care, and hospitalization. In addition, the commenter noted, short-term, limited-duration insurance policies can include benefits for mental health disorders, substance abuse, physical therapy, speech therapy, home health care, ambulance, and other covered medical expenses. The commenter also claimed that these policies generally provide coverage for prescription drugs that are administered by a doctor in a setting covered by the policy and there is typically outpatient prescription coverage for drugs that require a written prescription and are necessary to treat a condition covered by the policy.

One commenter stated that a key feature of typical short-term, limited-duration insurance is that the plan benefits are paid for covered expenses incurred from any provider in the U.S. and there is no referral required if a member would like to see a specialist. According to the commenter, members have the added benefit of receiving discounted network rates if they choose to use an in-network provider.

The Departments agree that short-term, limited-duration insurance could be a desirable and affordable option for many consumers. The Departments are therefore finalizing a definition in this final rule to remove federal barriers that inhibit consumer access to additional, more affordable coverage options while, at the same time, distinguishing it from individual market health insurance coverage. States remain free to regulate these products as set forth elsewhere in this final rule.

Some commenters stated that the potential risks of high copayments and severely limited health coverage associated with short-term, limited-duration insurance significantly outweigh the cost savings from enrollment in such plans. A commenter

[54] Cynthia Cox, Selena Gonzales, Rabah Kamal, Gary Claxton and Larry Levitt, ''Analysis of 2016 Premium Changes in the Affordable Care Act's Health Insurance Marketplaces'', Kaiser Family Foundation, October 26, 2015. Available at *https://www.kff.org/health-reform/fact-sheet/analysis-of-2016-premium-changes-in-the-affordable-care-acts-health-insurance-marketplaces/.*

[55] Id.

[56] Anna Wilde Mathews, ''Sales of Short-Term Health Policies Surge: Some consumers opt for limited coverage, saying it is cheaper than conventional plans'', Wall Street Journal, April 10, 2016. Available at *https://www.wsj.com/articles/sales-of-short-term-health-policies-surge-1460328539.* The ability of short-term, limited-duration plans to provide broad provider networks has been touted by some in the insurance community.

[57] The Departments note that the average duration of unemployment as reported by the Bureau of Labor Statistics is an arithmetic mean based on observed incomplete spells of unemployment. The actual average duration of completed spells of unemployment could be longer or shorter.

stated that the analysis in the proposed rule does not sufficiently explain how the benefits of expanding short-term, limited-duration insurance could possibly outweigh the disruption and consumer harm caused by the proposed changes.

Some commenters stated that some of the benefits are mischaracterized; for example, people with short-term, limited-duration insurance don't have broader access to health care providers, when many benefits and health conditions are entirely excluded from short-term, limited-duration plans. Commenters suggested that other purported benefits of the proposed rule (such as lower premiums for some healthier people) would be erased by its harmful impacts (higher premiums in the individual market as a whole).

One commenter stated that potential increases in access to health care and choice are ''illusory''. The commenter provided an example where an issuer of short-term, limited-duration insurance claims not to restrict enrollees to a network, but in reality pays claims up to a fixed percentage of Medicare reimbursement rates, leaving enrollees responsible for any amounts above that threshold. The commenter explained that this essentially is equivalent to being enrolled in a PPO plan with an empty network that leaves enrollees faced with high out-of-pocket expenses after receiving care.

With regard to the claim that short-term, limited-duration insurance can offer broader network coverage, a commenter expressed concerns that the Departments relied on promotional material provided by an issuer. Another commenter stated that the coverage may have a very limited network of providers and may not provide any coverage for out-of-network providers, while others stated that the exclusion of services effectively limits the actual networks by excluding providers, and this could particularly affect rural areas.

One commenter stated that while premiums for short-term, limited-duration insurance policies will likely be lower relative to individual market plans, using premiums as the sole measure of a benefit to consumers provides an incomplete analysis. This commenter noted that short-term, limited-duration insurance policies fail to provide comprehensive coverage and thus expose consumers who have a serious medical condition, such as cancer, to significant out-of-pocket costs. The commenter also suggested that the analysis fails to take into account that due to underwriting, premiums for short-term, limited-duration insurance policies can expose even relatively healthy older individuals to significant premiums, and could also result in individuals with preexisting conditions being denied coverage or charged significantly higher premiums due to their health conditions.

A few commenters stated that short-term, limited-duration insurance plans should also not be compared with being uninsured, rather they should be compared to individual market plans. Many commenters stated that the Departments should look at the benefits to all consumers and not just young and healthy individuals.

This rule will benefit individuals who have been harmed by the increasing premiums, deductibles and cost sharing associated with individual market plans and limited choices—both in terms of coverage options and in terms of narrowing provider networks. The Departments' judgment is that individuals are in the best position to evaluate the tradeoffs between the benefits and costs of various coverage alternatives. This rule empowers consumers to make decisions on the benefits they want and reduce the potential for overinsurance and underinsurance while expanding access to more affordable coverage options. As acknowledged previously, short-term, limited-duration insurance may not be the most suitable coverage for everyone. Individuals who desire comprehensive coverage subject to PPACA rules will continue to have the option of purchasing individual market health insurance coverage on a guaranteed available and guaranteed renewal basis. Also, individuals who receive PTCs generally will not experience an increase in out-of-pocket costs for premiums if they continue to purchase Exchange coverage. However, this final rule provides another choice in addition to individual health insurance coverage for consumers to consider, based on their own personal circumstances and needs. In many cases, short-term, limited-duration insurance will provide a more desirable option for individuals, especially those who would otherwise be uninsured, those not eligible for PTCs, those who have lost their employment and are unable to afford individual market coverage, and those with objections to purchasing coverage of certain services or products that are mandated to be covered by PPACA. In that regard, the Departments believe it is appropriate to compare having short-term, limited-duration insurance to both being uninsured as well as having individual health insurance coverage. Uninsured individuals who purchase short-term, limited-duration insurance will experience an increase in financial protection and may gain greater access to certain health care providers. Moreover, individual market plan networks may also be quite restrictive, and short-term, limited-duration plan networks may very well cover a broader array of providers. For most individuals who switch to short-term, limited-duration insurance from individual market plans, lower premiums will provide the biggest benefit. Short-term, limited-duration insurance may also provide consumers with benefits that are more tailored to their individual or familial needs or circumstances. Commenters have valid concerns about the potential for misleading information about provider networks, which can also be a concern with individual market plans,[58] and we generally defer to the states to address such concerns as part of their regulation and oversight of health insurance.

Many commenters stated that issuers and brokers will receive higher profits and commissions for these plans, as issuers have made moves to reduce broker commissions for individual market plans. One commenter mentioned that according to available data from the NAIC, in 2015 the industry-wide average MLR for ''Short-Term Medical'' was 69.76 percent, with smaller companies falling below 50 percent MLR for the vast majority of the total market share. The commenter stated that health insurance products with an MLR at or below 50 percent raise a red flag because when a majority of the company's revenue is not spent on medical services, consumer health becomes a secondary part of its business.

The Departments acknowledge that issuers and brokers of short-term, limited-duration insurance will benefit from the changes finalized in this rule to varying degrees depending on state regulations of short-term, limited-duration insurance. Short-term, limited duration insurance is not subject to the federal MLR standards under section 2718 of the PHS Act and this final rule does not establish a federal MLR threshold for short-term, limited-duration insurance. There is also a large variation in the reported MLR for short-term, limited-duration insurance. Average MLR for short-term, limited-duration coverage was approximately 67 percent in 2016.[59] For the top 10 issuers

[58] Chad Terhune, ''Top insurers overstated doctor networks, California regulators charge'', Los Angeles Times, November 18, 2014. Available at *http://www.latimes.com/business/la-fi-obamacare-network-probe-20141119-story.html.*

[59] National Association of Insurance Commissioners, ''2016 Accident and Health Policy

that accounted for almost 94 percent of the national short-term, limited-duration insurance market their MLRs ranged from 47.46 percent to 219.61 percent in 2016.[60] MLR may be of limited utility in evaluating the efficiency of insurance coverage and may result in higher medical costs and premiums, less innovation in plan design, less consumer choice, and increased market concentration.[61] As previously mentioned, the majority of short-term, limited-duration insurance policies were sold as transitional coverage in 2016, and the duration of such policies typically was less than 3 months. Increased administrative costs due to underwriting and the short duration may also explain the lower-end reported MLRs for short-term, limited-duration insurance policies in 2016. As the short-term, limited-duration insurance market grows, the Departments anticipate that in the long term more issuers will sell such coverage, increasing competition and limiting excessive profits.

b. Costs and Transfers

Short-term, limited-duration insurance policies are unlikely to include all the requirements applicable to individual market plans, such as the preexisting condition exclusion prohibition, coverage of essential health benefits without annual or lifetime dollar limits, preventive care, maternity and prescription drug coverage, rating restrictions, and guaranteed renewability. Therefore, consumers who switch to such policies from individual market plans will experience loss of third-party payments for some services and providers and potentially an increase in out-of-pocket expenditures related to such excluded services, as well as an exclusion of benefits that in many cases consumers do not believe are worth their cost (which could be one reason why many consumers, possibly even those receiving subsidies for Exchange plans, may switch to short-term, limited-duration policies rather than remain in individual market plans). Depending on state regulation, issuer plan design, and whether consumers decline to purchase a separate renewal guarantee product, consumers who purchase short-term, limited-duration insurance policies and then develop chronic conditions may face financial hardship as a result, until they are able to enroll in individual market plans that will provide coverage for such conditions.

Since short-term, limited-duration insurance is not MEC, any individual enrolled in short-term, limited-duration coverage that lasts 3 months or longer in 2018 will potentially incur a tax liability for not having MEC during that year. Starting in 2019, the individual shared responsibility payment included in section 5000A of the Code is reduced to $0, as provided under Public Law 115–97, and thus no tax liability could accrue in that year and thereafter for not having MEC. However, the tax liability is not the sole consequence of not having MEC. Because short-term, limited-duration insurance does not qualify as MEC, those individuals who lose coverage in these plans may not qualify for a special enrollment period in the individual market and may face a period of time in which they have no medical coverage, and this will continue to be the case even after 2018. Purchasing a renewal guarantee, however, may eliminate the need for a special enrollment period.

The Departments requested and received many comments on the potential costs of the proposed changes. Many commenters pointed out the possible negative impacts and costs associated with the proposed changes, especially the effect on consumers' out-of-pocket costs. Many commenters stated that consumers considering purchasing short-term, limited-duration insurance policies are unlikely to know the limitations of the policies and the non-applicability of the numerous PPACA consumer protections to these policies. Many commenters also stated that the comprehensiveness of items and services covered by short-term, limited-duration insurance coverage can be misleading; individuals who are expected to need expensive services because of preexisting conditions would likely either have services for those conditions excluded from coverage or be denied coverage altogether. Thus, consumer expectations for short-term, limited-duration insurance policies may be significantly different from the realities of these policies. Commenters are concerned that the differences between short-term, limited-duration insurance policies and plans offered in individual and group markets may not be clear to consumers. As a result they may be exposed to excessive out-of-pocket costs.

This final rule requires issuers to provide a notice in application materials and the contract to alert consumers to the potential limitations of short-term, limited-duration insurance. States also have the flexibility to mandate the disclosure of additional information. This will help inform consumers about the limitations of short-term, limited-duration insurance and their choice of the coverage that best suit their needs. The notice language in the final rule provides more detail on the potential limitations of short-term, limited-duration insurance coverage than what was in the proposed rule to support informed coverage purchasing decisions by consumers, while those who are concerned about potential excessive out-of-pocket costs will continue to have the option to purchase individual market coverage that includes PPACA requirements.

Many commenters noted that short-term, limited-duration insurance often lacks consumer safeguards, generally excludes coverage for preexisting conditions, does not provide coverage for essential health benefits, often applies high deductibles and cost-sharing requirements, has lifetime and annual dollar caps on reimbursement for medical expenses, has no maximum limits on out-of-pocket costs, may be rescinded, and is generally available only for healthy consumers. As a result, consumers who purchase short-term, limited-duration insurance can experience significant financial hardship, especially if they require access to health care services not covered by their plan. These commenters noted that this is particularly problematic for people who have chronic or life-threatening conditions that require costly treatment, close monitoring and ongoing medication.

Commenters also stated that the potential risks of unreasonable copayments and severely limited health coverage associated with short-term, limited-duration insurance significantly outweigh the cost savings from enrollment in such plans. For example, according to one commenter, out-of-pocket costs for short-term, limited-duration insurance policies may be excessive in many markets: In Phoenix, AZ, the out-of-pocket cost-sharing limit for a 40-year-old male can be as high as $30,000 for a 3-month period. While another commenter pointed out that in Georgia, a plan had a 3-month out-of-pocket limit of $10,000, but did not include the deductible of $10,000, resulting in an effective 3-month out-of-pocket maximum of $20,000.

Some commenters are concerned about the lack of network adequacy requirements for short-term, limited-duration insurance. One commenter expressed concern that misleading claims related to provider networks

Experience Report'', July 2017. Available at *http://www.naic.org/prod_serv/AHP-LR-17.pdf.*

[60] Id.

[61] Scott E. Harrington, ''Medical Loss Ratio Regulation under the Affordable Care Act'', Inquiry, 2013. Available at *https://www.jstor.org/stable/23480894.*

could result in consumers purchasing plans later finding that the provider networks may be non-existent in their specific market, as short-term, limited-duration plans are not subject to the network adequacy protections, leading to higher out-of-pocket costs.

Many commenters stated that these policies could subject patients to catastrophic medical bills and medical bankruptcy. For example, short-term, limited-duration insurance enrollees suffering acute health emergencies, debilitating injuries that lead to permanent disabilities, or the onset of chronic conditions could end up facing financial hardship until they can enroll in an individual (or group) market plan that provides the coverage they need. Many commenters shared their past experience with short-term, limited-duration insurance (as well as pre-PPACA individual market coverage) and provided numerous examples of how annual and lifetime dollar limits resulted in consumers being left responsible for large medical bills and high out-of-pocket costs and concluded that short-term, limited-duration insurance is not really an affordable alternative to available individual market plans. Many commenters stated that the proposed changes would reduce access to maternity care, treatment for illnesses such as cancer, cystic fibrosis, multiple sclerosis, arthritis, eating disorders, visions and hearing loss and mental health and substance use disorders. Many commenters shared personal stories of struggles with illnesses such as cancer and the financial and emotional toll of such illnesses. These commenters expressed deep fears that as a result of this rule, they would lose coverage because issuers would stop offering individual market plans or because those plans would become too expensive. These commenters expressed fear of becoming bankrupt and losing their lives because of reduced access to the necessary health care.

Commenters expressed concern that this would reverse the health coverage gains over the last few years, especially in minority communities and amongst women. One commenter stated that the design of short-term, limited-duration insurance in the proposed rule will discourage the pursuit of preventive services, so the public health will suffer.

This rule will benefit individuals who have been harmed by the increasing premiums, deductibles, and cost-sharing associated with individual market plans and by limited choices. Individual market premiums increased 105 percent from 2013 to 2017, in the 39 states using *Healthcare.gov* in 2017,[62] while the average monthly premium for the second-lowest cost silver plan for a 27-year-old increased by 37 percent from 2017 to 2018.[63] Individual market plans will continue to be available to individual consumers on a guaranteed availability basis and many individuals will have the opportunity to purchase the type of coverage that is most desirable and suitable for them and their families' health care and budget needs, unless states take actions to restrict the short-term, limited-duration market. Also, individuals who receive PTCs generally will not experience an increase in out-of-pocket costs for premiums. However, consumer expectations for individual market plans have often not been met due to high deductibles,[64] and short-term, limited-duration insurance provides an additional choice for individuals to consider, based on their own personal circumstances. In addition to dramatically higher premiums, high out-of-pocket costs have harmed many individual market plan enrollees, with deductibles that average nearly $6,000 a year for bronze single coverage and more than $12,000 a year for bronze family coverage in 2018 as well as more than $4,000 a year for silver single coverage and more than $8,000 a year for silver family coverage in 2018.[65] In addition, out-of-pocket maximums for individual market plans are only applicable to in-network care and thus actual out-of-pocket costs may be much higher for individuals who need to obtain care out of network. High deductibles may also be a deterrent to obtaining care for some individuals. In some cases, short-term, limited-duration insurance will provide a more desirable option for individuals and may be the only affordable alternative to being uninsured. To help consumers make informed coverage decisions, issuers of short-term, limited-duration insurance are required under this final rule to provide a notice to alert consumers to the potential limitations of the coverage. The Departments' judgment is that individuals are in the best position to evaluate the tradeoffs between lower premiums and limitations of short-term, limited-duration insurance. This rule empowers consumers to make decisions on the benefits they want and to reduce potential overinsurance and underinsurance. As discussed below, rather than increase the number of individuals who are uninsured the total number of individuals purchasing either individual market or short-term, limited-duration insurance coverage is expected to increase, perhaps significantly. Uninsured individuals who purchase short-term, limited-duration insurance will experience an increase in financial protection and potentially an increase in access to health care. As previously mentioned, individual market plan networks may also be quite restrictive, and short-term, limited-duration plan networks may very well cover a broader or superior set of providers. State regulators have also taken compliance action against misleading claims regarding benefits and provider networks, which should act as a disincentive to such practices. In response to the concern raised regarding bankruptcy, the rule makes clear that individuals are free to purchase separate products that may provide protection against the possibility of getting sick in the future and facing higher premiums as a result.

A few commenters also mentioned the potential increase in uncompensated care and the financial burdens that the increased use of short-term, limited-duration insurance could place on hospitals. Commenters stated that the proposed changes could have a devastating impact on hospital emergency rooms, since they are required to provide care regardless of coverage status or one's ability to pay. If more consumers enroll in short-term, limited-duration policies that do not cover treatments received in emergency departments, it will result in an increase in uncompensated care. In addition, the lack of coverage of essential health benefits may also lead to an increased reliance on emergency departments as consumers delay or do not seek primary care, exacerbating existing acute and chronic conditions. One commenter stated that this may also lead to increased boarding of mental health patients in emergency departments, where mental health patients presenting to an emergency department have an average stay of 18 hours, compared to an

[62] ASPE ''Data Point—Individual Market Premium Changes: 2013–2017'', May 23, 2017. Available at *https://aspe.hhs.gov/system/files/pdf/256751/IndividualMarketPremiumChanges.pdf.*

[63] ASPE ''Health Plan Choice and Premiums in the 2018 Federal Health Insurance Exchange'', October 30, 2017. Available at *https://aspe.hhs.gov/pdf-report/health-plan-choice-and-premiums-2018-federal-health-insurance-exchange.*

[64] Robert Pear, ''Many Say High Deductibles Make Their Health Law Insurance All but Useless'', The New York Times, November 14, 2015. Available at *https://www.nytimes.com/2015/11/15/us/politics/many-say-high-deductibles-make-their-health-law-insurance-all-but-useless.html.*

[65] HealthPocket, ''Average Market Premiums Spike Across Obamacare Plans in 2018'', October 27, 2017. Available at *https://www.healthpocket.com/healthcare-research/infostat/2018-obamacare-premiums-deductibles.*

average of only four hours for all emergency department patients.

The Departments acknowledge that if a short-term, limited-duration insurance policy excludes treatment in hospital emergency rooms, there is the possibility that there could be increases in uncompensated care provided by hospitals. However, the Departments have no reason to believe that all short-term, limited-duration insurance policies will exclude such coverage. The Departments note that individuals enrolled in individual market plans also frequently experience unexpected high out-of-pocket costs due to balance billing (charges arising when an insured individual receives care from an out-of-network provider, the balance bill being the difference between the total charges incurred and what the issuer ultimately pays), when obtaining care at emergency departments and when treating providers are not part of in-network hospitals.[66] Very few states have laws that protect consumers from this practice; 15 states offer limited balance billing protections, while only six provide comprehensive balance billing protections for consumers.[67] In addition, for people who would otherwise have been uninsured and now purchase short-term, limited-duration insurance, the final rule will likely result in a decrease in uncompensated care. The Departments have no evidence that this rule will lead to increased emergency department boarding times for mental health patients in emergency departments.

A few commenters stated that short-term, limited-duration insurance coverage also poses a threat to the student health insurance market. Students may buy the cheaper, short-term, limited-duration insurance erroneously thinking that it is comprehensive coverage. Commenters believe that losses to this insurance pool would result in increased premiums for student health coverage for those students that choose or need to stay on their campus student health insurance plan and this could also place considerable stress on the institutions' student health and wellness departments.

The Departments believe that all consumers, including but not limited to students, should have access to additional, more affordable coverage options. In fact, these policies may significantly benefit students since premiums for the young have risen most dramatically as a result of PPACA. However, since most educational institutions require students to obtain insurance through individual market plans or group coverage and often provide relatively inexpensive options to students, the Departments believe that losses to this insurance pool will be limited. As previously stated, the Departments believe that the notice, provided at the time of application and in the contract with the language specified in this final rule, will help consumers understand what they are purchasing. Consumers may also be able to obtain additional guidance and assistance from brokers and agents as well as additional plan documents in order to understand the products they seek to purchase. The Departments generally defer to the states' authority over agents and brokers licensed in their respective jurisdictions, including taking appropriate action in response to unfair or deceptive practices, which should act as a disincentive to such practices.

Some commenters stated that the proposed changes would be harmful for solo entrepreneurs and small business employees by raising rates for individuals dependent on the individual market Exchanges, which is where many small business employees and solo entrepreneurs purchase health coverage. These commenters asserted that in order for employees of small businesses to be able to receive affordable coverage, individual market risk pools must be robust and well balanced.

The Departments acknowledge that the changes finalized in this rule may lead to a small increase in premiums for individual market plans and possibly a reduction in net premiums for Exchange plans. The CMS Office of the Actuary (OACT) estimated that the average net premium paid by Exchange enrollees is expected to decline by 14 percent as a result of the rule.[68] The Departments note, however, that other regulations, such as this rule and the recently finalized rule titled ''Definition of ''Employer'' under Section 3(5) of ERISA—Association Health Plans'',[69] issued by the Department of Labor, will increase access to other alternative, less expensive options for small businesses and solo entrepreneurs. Moreover, many small business employees and solo entrepreneurs stand to benefit from this rule. States also maintain flexibility under this final rule to pursue innovative strategies to strengthen and protect their respective risk pools.

Some commenters stated that these changes could result in counties with no Exchange plans available, otherwise known as bare counties. Many commenters stated that these changes would increase the number of uninsured.

The Departments acknowledge that due to the potential increase in risk segmentation, in which healthier individuals choose products outside the individual market may result in an individual market risk pool with higher medical expenses, it is possible that fewer issuers may offer plans in the individual market. However, the impact on issuer participation in the individual market will vary depending on a number of different factors, such as the unique demographic and other characteristics of a state's population, regulatory environment and insurance markets. Further, as a result of silver loading[70] and dramatically higher premiums as well as pricing power from markets with limited competition from other issuers, issuers have begun to turn a profit in the individual market and some issuers are looking to enter the individual market. Further, many enrollees already had access to just one issuer for Exchange coverage. In addition, as discussed below, it is expected that the total number of individuals with some type of health insurance coverage will increase, perhaps significantly.

In response to the request for comments on the value of excluded services to individuals who switch from individual market coverage to short-term, limited-duration coverage, one commenter expressed concern about the suggestion that consumers would be willing to switch from individual market plans that provide more robust coverage to short-term, limited-duration insurance policies that provide less generous coverage because consumers do not believe the more generous benefits are worth the cost. The commenter stated that the Departments

[66] Karen Pollitz, ''Surprise Medical Bills'', Kaiser Family Foundation, March 17, 2016. Available at *https://www.kff.org/private-insurance/issue-brief/surprise-medical-bills/*.

[67] Kevin Lucia, Jack Hoadley, and Ashley Williams, ''Balance Billing by Health Care Providers: Assessing Consumer Protections Across States' '', The Commonwealth Fund, June 13, 2017. Available at: *https://www.commonwealthfund.org/publications/issue-briefs/2017/jun/balance-billing-health-care-providers-assessing-consumer* and Berta Alicia Bustamante, ''Most States Still Don't Have Comprehensive Balance Billing Legislation'', insideARM, October 3, 2017. Available at: *https://www.insidearm.com/news/00043325-most-states-still-dont-have-comprehensive/*.

[68] The net premium reduction is a result of unsubsidized and less-subsidized enrollees exiting the market, leaving the remaining population receiving more premium tax credit, on average. Net premiums for individual enrollees do not fall.

[69] 83 FR 28912.

[70] Silver loading refers to issuers including the entire cost of un-funded cost sharing reduction (CSR) payments on silver metal tier plans which offer CSR plan variants, rather than spread the cost over all metal tier plans.

have not offered any evidence to support such a suggestion and the commenter stated that recent polling indicates the opposite. The commenter referred to a poll [71] where 84 percent of respondents in the individual market stated that they would prefer to stay with their current plan rather than enroll in short-term, limited-duration insurance coverage, when asked if they would like to enroll in coverage that was less generous but with a lower premium. The commenter was also concerned that consumers, when faced with cost concerns, new plan choices, non-transparent plan information, and a confusing enrollment process will not be able to tell whether they are enrolling in a comprehensive plan or not—and consequently will end up with far less coverage than they thought they had.

Many commenters stated that the negative consequences of short-term, limited-duration insurance are not limited to individuals with preexisting conditions; even healthy individuals may be harmed by choosing cheaper, skimpier coverage. If individuals are unable to receive or pay for care solely on the basis of having a less comprehensive health plan, they may put off needed care, and may lose the ability to have cost-effective choice over their health care decisions. Many commenters also stated that enrollees in short-term, limited-duration insurance will face financial hardship if they have an accident or become sick and find out that these policies do not cover benefits such as prescription drugs or some surgeries and that the policies can deny claims that should have been covered or that the enrollees were lead to believe were covered.

One commenter stated that individuals who want the services that are excluded in short-term, limited-duration insurance have the choice to buy individual market plans. If they cannot afford those policies, however, the commenter stated that they would not be able to get the excluded services in the first instance.

One commenter suggested that the proposed changes fail to address (and will likely exacerbate) the most critical needs in the health care and health insurance markets to put downward pressure on the rapidly rising costs of health care in the U.S. and to spread risk across larger, more diverse populations. One commenter stated that the proposals would worsen the inequality between the low and moderate income populations in the individual insurance market.

This rule makes no changes to the federal individual market requirements. The Departments acknowledge that individuals will be able to continue to purchase and renew individual market plans, instead of switching to short-term, limited-duration insurance. Of note, the turbulence of the first several years of the Exchanges with persistent issuer exit resulted in many individuals being unable to renew their individual market plans. Under this final rule, individuals who prefer less expensive coverage, or those that do not qualify for PTCs or otherwise find individual market coverage unattractive, will generally have greater flexibility to purchase short-term, limited-duration insurance and obtain coverage for services they want and exclude services they determine they do not need. The Departments believe that individuals reveal their preferences with their actions and consumers who switch to short-term, limited-duration insurance from individual market plans will do so because they do not value the individual market coverage at the cost. In addition, allowing people to purchase what they view as an efficient amount of coverage leads to less third-party payments, and third-party payments can drive up health care spending as consumers and producers are insensitive to price when third-party payers are paying the bill. Consumers can use their savings from lower premiums toward buying health care services when they are active, informed consumers, looking for the best possible deals.

Because short-term, limited-duration insurance policies can, subject to state law, be priced in an actuarially fair manner (by which the Departments mean that is the policies are priced so that the premium paid by an individual reflects the risks associated with insuring the particular individual or individuals covered by that policy) individuals who purchase such coverage are likely to be relatively young or relatively healthy. Allowing such individuals to purchase a policy that does not comply with PPACA, but with an initial contract term of less than 12-months with renewals or extensions up to maximum duration of 36 months, may weaken states' individual market single risk pools. The degree to which individuals purchase separate renewal guarantee products will serve to strengthen individual market pools and could reduce Exchange premiums and spending—as at least one commenter pointed out. If the individual market deteriorates because of people choosing other types of coverage, individual market issuers could experience higher than expected costs of care and suffer financial losses, which might prompt them to leave the individual market. Although choices of plans available in the individual market have already been reduced to plans from a single issuer in roughly half of all counties, this final rule may further reduce choices for individuals remaining in those individual market single risk pools. However, as a result of silver loading and the tightening of special enrollment periods, some issuers, aware of the Association Health Plan rule and the short-term, limited-duration insurance proposals, have indicated they will expand their presence in the individual market next year.

Impact on Individual Market Risk Pool

This final rule allows short-term, limited-duration insurance policies to be renewed or extended such that the maximum duration of a policy, including the initial term specified in the contract and renewals or extensions under the same insurance contract, is no longer than 36 months. Depending on state rating requirements, issuers of such coverage may be able to introduce new plans every year at low rates that only healthy individuals would be able to purchase, while imposing large renewal rate increases for less healthy enrollees in existing plans. This could lead to further worsening of the risk pool by keeping healthy individuals out of the individual market for longer periods of time, increasing premiums for individual market plans and may cause an increase in the number of individuals who are uninsured. Previous academic research on the pre-PPACA individual market suggests this is unlikely to happen, however, as premium increases generally reflect the entire pool's experience with less healthy individuals effectively subsidized by healthier individuals through market forces.[72] This impact may be further mitigated by the degree that individuals purchase separate renewal guarantee products which may provide another mechanism for consumers to continue coverage under separate short-term, limited-duration

[71] Kaiser Family Foundation. Poll: ''Survey of the Non-Group Market Finds Most Say the Individual Mandate Was Not a Major Reason They Got Coverage in 2018, And Most Plan to Continue Buying Insurance Despite Recent Repeal of the Mandate Penalty'', April 3, 2018. Available at *https://www.kff.org/health-reform/press-release/poll-most-non-group-enrollees-plan-to-buy-insurance-despite-repeal-of-individual-mandate-penalty/.*

[72] Michael F. Cannon, ''Short-Term Plans Would Increase Coverage, Protect Conscience Rights & Improve ObamaCare Risk Pools'', Cato Institute, July 2, 2018. Available at *https://www.cato.org/blog/short-term-plans-reducing-uninsured-protecting-conscience-rights-improving-obamacares-risk.*

insurance policies for a longer period of time.[73]

Further, as detailed elsewhere in this rule, the Departments are finalizing a notice requirement to inform consumers about the limitations of short-term, limited-duration insurance to help individuals make informed coverage purchasing decisions that best suits their needs—whether that is comprehensive individual market coverage or short-term, limited-duration insurance. This notice will also assist consumers of short-term, limited-duration insurance in further understanding the products being offered and can be used to combat misleading marketing and aggressive sales tactics that some brokers, agents, or issuers may employ as a result of potentially higher profits and commissions for short-term, limited-duration insurance.

In response to the request for comments on any impacts on PPACA individual market single risk pools, some commenters who supported the proposed rule expressed confidence that the rule would not adversely impact the single risk pools. One commenter stated that the short-term, limited-duration insurance market has been in existence for over three decades and was not accused in the pre-PPACA market of being a destabilizing influence. According to the commenter, the market's modest size, which they estimated to be between 650,000 and 850,000 enrollees before the October 2016 final rule became effective, represents a niche within the broader private health insurance market.

Many commenters, however, expressed concern that extending the maximum duration of short-term, limited-duration coverage would weaken the single risk pools and destabilize the individual market by syphoning young, healthy individuals to the short-term, limited-duration insurance market, leaving only those with higher expected health costs and those receiving subsidies in the individual market. Commenters suggested that the resulting market segmentation and adverse selection would increase premiums for individual market plans and may decrease the number of plans available as issuers exit the individual market, potentially leading to ''bare counties''. Commenters also suggested that this would transform individual markets into high risk pools and would create a parallel insurance market, undercutting the comprehensive, major medical policies offered to individuals and families.

Many commenters stated that the combination of increased availability of short-term, limited-duration insurance and the reduction of the individual shared responsibility payment to $0, in conjunction with the proposed Association Health Plan rule,[74] could exacerbate adverse selection in the individual market. One commenter stated that premium and cost-sharing subsidies are available only for individual market plans sold on Exchanges, providing incentives for healthy lower-income individuals to remain in such plans and therefore limiting the deterioration of the individual market risk pool. Individuals eligible for premium subsidies would generally be shielded from the premium increases as federal premium subsidies would increase. For unsubsidized individuals who are healthy, higher premiums for individual market plans would increase the attractiveness of lower-premium short-term, limited-duration insurance.

A few commenters stated that these effects on the individual market risk pool could be limited in states that implement additional regulations limiting the length and availability of short-term, limited-duration policies or requiring that they meet rules governing individual market plans.

One commenter stated that if short-term, limited-duration issuers are allowed to increase premiums at renewal based on an individual's health conditions, individuals with new conditions will receive higher rate increases than enrollees without new conditions. The commenter further stated that if there are no limits on the allowable rate increases, premiums for some individuals could exceed those in the individual market. In such a case, the enrollee may move back to the individual market risk pool, increasing the health care costs of the pool.

Many commenters stated that a key element of any healthy, sustainable insurance market is that a broad pool of enrollees share in the spreading of risk. The effect of the proposed rule would be to undercut the individual market risk pool as more individuals leave their current health plans and purchase short-term, limited-duration insurance. This would further destabilize an already difficult market for individual and family coverage.

One commenter suggested the proposed rule assumed that consumers who purchase short-term, limited-duration insurance and then find the insurance inadequate for a health problem that occurs during the term of this insurance will switch to more adequate coverage in the individual market. The commenter noted that the proposed rule fundamentally conceded that it will adversely affect the individual market that is a last resort for those with serious health issues at the same time ''the agencies tout the fail safe function of those markets''.

Some commenters gave examples where state policies allowing segmentation of the risk pool has led to higher premiums and problems with issuer participation. These commenters mentioned continuation of transitional plans in Iowa, Nebraska, North Carolina and large enrollment numbers in the Tennessee Farm Bureau as examples. A commenter noted that in 2016, the average plan liability risk scores for PPACA-compliant individual market plans in states that allowed the sale of transitional plans were 12.3 percent higher than risk scores for PPACA-compliant individual market plans in states that prohibited transitional policies.

The Departments acknowledge that relatively young, relatively healthy individuals in the middle-class and upper middle-class whose income disqualifies them from obtaining PTCs are more likely to purchase short-term, limited-duration insurance. As people choose these plans rather than individual market coverage, this could lead to adverse selection and the worsening of the individual market risk pool. As discussed below, the Departments estimate that the proportion of healthier individuals in the individual market Exchanges will decrease and by 2028 premiums for unsubsidized enrollees in the Exchanges will increase by 5 percent. The Congressional Budget Office (CBO) projects only a 2 percent to 3 percent impact on premiums in the small group and individual markets from the combined Association Health Plan and short-term, limited-duration insurance rules, even while projecting more people will exit the individual market for these alternatives.[75] Compared to CBO, the OACT analysis thereby represents a more conservative analysis. However, premium and cost-sharing subsidies are available only for individual market plans offered on Exchanges, which makes it likely that healthy lower-income individuals will

[73] Id.

[74] The proposed rule, published in the **Federal Register** on January 5, 2018 (83 FR 614) was subsequently finalized and published in the **Federal Register** on July 12, 2018 (83 FR 28912).

[75] Congressional Budget Office, ''Federal Subsidies for Health Insurance Coverage for People Under Age 65: 2018 to 2028,'' May 23, 2018. Available at *http://cbo.gov/publication/53826.*

remain in individual market plans even if they place a relatively low value on this coverage because the individual subsidized premium is so low, limiting the extent of adverse selection. To the extent that individuals purchase separate renewal guarantee products, and continue to use short-term, limited-duration insurance, they very well may not return to the individual market risk pool if they get sick. This will limit the adverse effect on the individual market risk pool. In addition, as discussed below, the total number of individuals with coverage (including short-term, limited-duration insurance) is expected to increase. The impact on individual states' single risk pools will vary depending on state regulations, the current state of the individual market, and the unique demographic and other characteristics of a state's population and insurance markets.

The Departments anticipate that most of the individuals who switch from individual market plans to short-term, limited-duration insurance will be relatively young or relatively healthy and have an annual income—about $48,000 for a single household and $98,000 for a family-of-four—that makes them ineligible to receive PTCs. If the individual market single risk pools change, the change will result in an increase in gross premiums for the individuals remaining in those risk pools. An increase in premiums for individual market single risk pool coverage is expected to result in an increase in federal outlays for PTCs. However, individuals who receive PTCs will be largely insulated from these increases in premiums because a consumer's PTC amount generally increases as the price of the relevant benchmark plan increases. As discussed above, OACT's analysis projects that net premiums in PPACA-compliant markets will decline.[76]

Impact Estimates

The economic impact analysis in the proposed rule provided that because short-term, limited-duration insurance can, subject to state law, be priced in an actuarially fair manner (by which the Departments meant that it is priced so that the premium paid by an individual reflects the risks associated with insuring the particular individual or individuals covered by that policy) individuals who are likely to purchase short-term, limited-duration insurance are likely to obtain a better value than they receive from individual health insurance coverage. The economic impact analysis of the proposed rule also provided that allowing individuals greater choice of policies that do not comply with all of the PPACA market requirements would impact the individual market single risk pools. The Departments[77] estimated that in 2019, between 100,000 and 200,000 individuals previously enrolled in individual market coverage would purchase short-term, limited-duration insurance policies instead. The Departments estimated that this would cause the average monthly individual market premiums and average monthly PTCs to increase, leading to an increase in total annual advance payments of the PTC[78] in the range of $96 million to $168 million in 2019. Other entities project greater enrollment and have different views on whether or not this increases the deficit. The Departments also noted that enrollment in short-term, limited-duration insurance and the resulting reductions in individual market enrollment and increases in individual market premiums in future years are uncertain.

OACT performed an analysis of the financial effects of the proposed rule on April 6, 2018.[79] An updated estimate has been performed by OACT where the baseline was updated to the President's Fiscal Year 2019 Mid-Session Review. As stated in the April 6th estimate, the assumptions and methods used in the updated estimate are the same as those used in OACT's previous health reform modelling.[80] The updated estimate includes the policy to allow renewability up to 36 months. This policy was estimated to have a negligible impact. In addition, consideration was given to some states taking action to prohibit or limit the sale of short-term, limited-duration insurance policies. The original estimate also assumed a 4-year transition to short-term, limited-duration insurance policies with roughly two-thirds of the impact occurring in 2019, while the new estimate assumes a 3-year transition with one-third of the impact occurring in 2019.

Using these updated assumptions yields an estimate that 2019 enrollment in short-term, limited-duration insurance will increase by 600,000. Exchange enrollment in 2019 is expected to decrease by 200,000, while enrollment in off-Exchange plans is expected to decrease by 300,000. The remaining 100,000 increase in short-term, limited-duration enrollment is largely accounted for by new consumers who were previously uninsured. By 2028, enrollment in individual market plans is projected to decrease by 1.3 million, while enrollment in short-term, limited-duration insurance will increase by 1.4 million. The net result will be an increase in the total number of people with some type of coverage by 0.1 million in 2020 and by 0.2 million by 2028. Premiums for unsubsidized enrollees in the Exchanges are expected to increase by 1 percent in 2019 and by 5 percent in 2028. Individuals who choose to purchase short-term, limited-duration insurance are expected to pay a premium that is approximately half of the average unsubsidized premium in the Exchange. Since individual market plan premiums are expected to increase the study estimates that PTCs will increase by $0.2 billion in 2019 and by a net total of $28.2 billion for fiscal years 2019–2028.

TABLE 2—ESTIMATED EFFECT OF SHORT-TERM, LIMITED-DURATION INSURANCE POLICY CHANGES 2019–2028

Calendar year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–28
Enrollment Impact:											
Exchange	−0.2	−0.4	−0.6	−0.6	−0.6	−0.6	−0.6	−0.6	−0.6	−0.6	.....
Off-Exchange [1]	−0.3	−0.7	−0.8	−0.8	−0.8	−0.8	−0.7	−0.7	−0.7	−0.7	.....

[76] The net premium reduction is a result of unsubsidized and less-subsidized enrollees exiting the market, leaving the remaining population receiving more premium tax credit, on average. Net premiums for individual enrollees do not fall.

[77] For purposes of the economic impact analysis in the proposed rule, the term ''the Departments'' was used to refer to HHS and the Department of Labor.

[78] The Departments used data on Advance PTC as an approximation of PTC since this is the data that is available for 2017.

[79] CMS Office of the Actuary, ''Estimated Financial Effects of the Short-Term, Limited-Duration Policy Proposed Rule,'' April 6, 2018. Available at *https://www.cms.gov/Research-Statistics-Data-and-Systems/Research/ActuarialStudies/Downloads/STLD20180406.pdf.*

[80] CMS Office of the Actuary, ''Estimated Financial Effect of the ''American Health Care Act of 2017''' June 13, 2017. Available at *https://www.cms.gov/Research-Statistics-Data-and-Systems/Research/ActuarialStudies/Downloads/AHCA20170613.pdf.*

TABLE 2—ESTIMATED EFFECT OF SHORT-TERM, LIMITED-DURATION INSURANCE POLICY CHANGES 2019–2028—Continued

Calendar year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–28
Short-term, limited-duration	0.6	1.3	1.6	1.6	1.5	1.5	1.5	1.5	1.5	1.4	.....
Total	0.0	0.1	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	
Premium Impact:											
Marketplace.											
Gross Premium	1%	3%	5%	5%	5%	5%	5%	5%	5%	5%	.....
Net Premium [2]	−6%	−11%	−14%	−14%	−14%	−14%	−14%	−14%	−14%	−14%	.....
Short-term, limited-duration.											
Gross Premium [3]	−41%	−45%	−49%	−49%	−49%	−49%	−49%	−49%	−49%	−49%	.....
Fiscal year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019–28
Federal Impact [$ Billions]:											
Premium Tax Credits	$0.2	$1.2	$2.5	$3.0	$3.1	$3.3	$3.4	$3.6	$3.8	$4.0	$28.2

[1] Off-Exchange coverage includes enrollment in plans that we assume would meet the definition of insurance coverage. Most of these individuals are assumed to be enrolled in individual market plans.

[2] Net premium is the actual premium paid by the consumer after accounting for any subsidies such as premium tax credits. The net premium reduction is a result of unsubsidized and less-subsidized enrollees exiting the market, leaving the remaining population receiving more premium tax credit, on average. Net premiums for individual enrollees do not fall.

[3] The change in gross premium for those choosing a short-term, limited-duration policy is measured relative to the average gross premium in the Exchange.

Note: Impact on Exchange enrollment in 2018 is expected to be minimal.

There is significant uncertainty regarding these estimates, because changes in enrollment and premiums will depend on a variety of economic and regulatory factors and it is difficult to predict how consumers and issuers will react to the changes finalized in this rule. In addition, the impact in any given state will vary depending on state regulations and the characteristics of that state's markets and risk pools.

OACT was not the only entity to model the impacts of the proposed regulation. CBO, along with the Joint Committee on Taxation (CBO and JCT), the Urban Institute, and the Commonwealth Fund also looked at the impact. CBO and JCT estimated the impacts of the proposed regulation in their May 2018 report on ''Federal Subsidies for Health Insurance Coverage for People Under Age 65: 2018 to 2028''.[81] CBO and JCT found that 2 million people would be covered by short-term, limited-duration insurance in 2023, and that ''65 percent of the 2 million purchasing [short-term, limited-duration] plans would have been insured in the absence of the proposed rules''. This estimate projected higher uptake of short-term, limited-duration insurance among those that were not previously insured than OACT estimated.[82] Additionally, CBO projected higher overall enrollment in short-term, limited-duration coverage, 2 million people in 2023 compared to OACTs estimate of 1.5 million in 2023. Notably, CBO assumed an increase in short-term, limited-duration insurance policy duration to less than 12 months, but did not analyze the impacts of allowing extensions up to 36 months, which would have presumably increased their take-up rates even further. Also, notable is that when estimating the combined effects of this regulation and the recently finalized Association Health Plan rule, CBO found that ''premiums are projected to be 2 percent to 3 percent higher in those markets [small group and individual market] in most years.'' Despite higher take-up rates, CBO and JCT expect lower premium increases for coverage that complies with all of the PPACA market requirements than OACT. CBO and JCT also found that in combination, ''the proposed rules [short term limited duration insurance and association health plans] would reduce the federal deficit by roughly $1 billion over the 2019–2028 period if implemented as proposed.'' They stated that, ''over the 2019–2028 period, outlays for marketplace subsidies would increase on net by $2 billion, and revenues would increase by $3 billion. The net increase in marketplace subsidies reflects an increase in subsidies stemming from higher premiums, mostly offset by a reduction in the number of people receiving those subsidies.'' CBO and JCT further stated that ''On the basis of information obtained from stakeholders, CBO and JCT project that the rule on AHPs would primarily affect the small-group market and that the rule on STLDI plans would primarily affect the non-group market.'' Relative to OACT's estimates, CBO and JCT estimated the impacts of this rule to result in more short-term, limited-duration plan take-up with a larger share of the take-up coming from people who were not previously insured, lower premium impacts for PPACA-compliant coverage, and a lower cost to the federal government.[83]

CBO and JCT were not the only entities to analyze the quantitative impacts of the proposed rule. The Urban Institute ran a state-level microsimulation model (taking into account market conditions in each state as well as regulatory differences) and also estimated that an extension of short-term, limited-duration insurance to less than 12 months would result in greater take-up of the plans than OACT estimated, as well as savings for the federal government.[84] Specifically the Urban Institute found that in 2019 ''4.3 million would enroll in expanded short-term limited-duration plans.''[85] ''About 1.7 million of the people buying [short-term, limited-duration insurance] policies would have been uninsured (in the traditional sense) under current law, and 2.6 million [short-term, limited-

[81] Congressional Budget Office, ''Federal Subsidies for Health Insurance Coverage for People Under Age 65: 2018 to 2028,'' May 23, 2018. Available at *http://cbo.gov/publication/53826.*

[82] CBO noted that, ''of the 2 million additional enrollees in STLDI plans, fewer than 500,000 would purchase products not providing comprehensive financial protection against high-cost, low-probability medical events. CBO considers such people uninsured.''

[83] CBO and JCT did not separately break out the budget effects of the AHP rule and the short-term, limited-duration rule.

[84] L.J. Blumberg, M. Buettgens, R. Wang, ''The Potential Impact of Short-Term Limited-Duration Policies on Insurance Coverage, Premiums, and Federal Spending,'' Urban Institute, March 2018. Available at: *https://www.urban.org/sites/default/files/publication/96781/2001727_updated_finalized.pdf.*

[85] Id.

duration] policy holders would otherwise have had insurance of some type.'' They further found that ''ACA-compliant non-group coverage would decrease by another 2.2 million people. About 70 percent of that decrease (1.6 million people) comes from fewer people buying PPACA-compliant coverage without a tax credit, and about 30 percent of the decrease (about 600,000 people) comes from fewer people buying non-group insurance with a tax credit.'' As a result of their estimate of the decrease in the number of people receiving tax credits they estimated the policy to result in net savings to the federal government of $721 million in 2019. The Urban Institute grouped the individual mandate penalty being reduced to $0 and the short-term, limited-duration proposal to estimate the premium effects on individual market single risk pools, so it is difficult to know what just the policy impact of short term changes would have been to premiums in their analysis. In sum, relative to OACT's analysis, Urban estimates savings to the federal government (rather than costs), as well as materially higher take-up (4.3 million in 2019 versus 1.4 million in 2028), including among those that previously did not have insurance (1.7 million in 2019 versus 0.2 million in 2028).

While CBO and the Urban Institute appear to have done robust work on the issue, other entities also provided estimates of the impact. The Commonwealth Fund concluded that if there are no behavioral barriers to enrollment in short-term, limited-duration plans, and under a baseline of no individual shared responsibility payment, extending the duration of short-term, limited-duration insurance would result in about 5.2 million people enrolled.[86] The Commonwealth Fund estimated that the average premium for a short-term, limited-duration insurance policy will be roughly 80 percent cheaper than silver plans and about 70 percent cheaper than bronze plans for a 40-year old.[87] The Commonwealth Fund estimated that ''the age-specific premium for a silver plan increases by 0.9 percent (from $7,308 to $7,377) relative to current law when the individual mandate is lifted, and by 3.6 percent (from $7,308 to $7,568) when the mandate is lifted and behavioral barriers are removed'' (implying the marginal effect of adding short term plans in a scenario with limited behavior barriers was roughly 2.7 percent). The Commonwealth Fund did not provide estimates of cost impacts to the federal government.

In response to the Departments' request for comments on how many consumers may choose to purchase short-term, limited-duration insurance, rather than being uninsured or purchasing individual market plans, many commenters submitted or referred to studies that estimated the impact of the proposed changes. Some of these studies and findings have been described above. Another study conducted by the Wakely Consulting Group[88] estimated that, as a result of the proposed changes and the reduction of the individual shared responsibility payment to $0, premiums would increase by 0.7 percent to 1.7 percent and enrollment would decrease by 2.7 percent to 6.4 percent in the individual market in 2019. In addition, the study estimated that premiums for individual market plans would increase 2.2 percent to 6.6 percent and enrollment would decrease by 8.2 percent to 15 percent in 4 to 5 years, when the full impact of the proposed changes can be felt. A study by Oliver Wyman,[89] focusing on the District of Columbia's individual and small group markets, estimated that the combined effect of the proposed changes and the reduction of the individual shared responsibility payment to $0 would be an increase in claims costs by 11.7 percent to 21.4 percent and a decrease in enrollment in individual and small group plans of 3,800 to 6,100 in Washington, DC. Notably Washington DC's individual market is highly idiosyncratic in terms of the number of people in it not receiving subsidies, so the effects on that market are unlikely to be comparable with other states. A study by Covered California[90] concluded that the combined effect of the proposed Association Health Plan rule and the short-term, limited-duration rule would increase premiums by 0.3 percent to 1.3 percent in the individual market in California in 2019.

Many commenters stated that the proposed rule likely underestimates the number of people who would enroll in short-term, limited-duration insurance and thus underestimates the premium and risk pool impact of the proposed changes. Commenters suggested that it is insufficient to look at prior data on short-term, limited-duration insurance enrollment to predict what would happen as a result of the proposed change in federal rules, since conditions for the short-term, limited-duration insurance market are poised to differ markedly from recent years. Commenters noted that in 2019, the individual shared responsibility payment will be reduced to $0, removing one factor that has likely kept more people from enrolling in short-term, limited-duration insurance. Commenters also noted that the federal government is actively promoting short-term, limited-duration insurance and pulling back on its outreach efforts for individual market plans, a reversal of prior policy that is likely to increase short-term, limited-duration insurance enrollment, and that major issuers have already expressed interest in offering or expanding offerings of short-term, limited-duration plans.

One commenter stated that the total enrollment in short-term, limited-duration insurance was actually close to 500,000 covered lives in December 2016 after accounting for association-based sales. The commenter further noted that as a result of the reduction of the individual shared responsibility payment to $0 beginning in 2019, the cost differential between short-term,

[86] Preethi Rao, Sarah A. Nowak, Christine Eibner, ''What Is the Impact on Enrollment and Premiums if the Duration of Short-Term Health Insurance Plans Is Increased?'', Commonwealth Fund, June 5 2018. Available at *https://www.commonwealthfund.org/publications/fund-reports/2018/jun/what-impact-enrollment-and-premiums-if-duration-short-term.* Examples the Commonwealth Fund cited of behavioral barriers to enrollment include ''increased marketing of plans to increase awareness, streamlining the application process, lack of concern over facing the mandate penalty.''

[87] Preethi Rao, Sarah A. Nowak, Christine Eibner, ''What Is the Impact on Enrollment and Premiums if the Duration of Short-Term Health Insurance Plans Is Increased?'', Commonwealth Fund, June 5 2018. Available at *https://www.commonwealthfund.org/publications/fund-reports/2018/jun/what-impact-enrollment-and-premiums-if-duration-short-term.* In a scenario with behavioral barriers in place, they estimated a materially lower number of 0.3 million in take-up. Examples the Commonwealth Fund cited of behavioral barriers to enrollment include ''increased marketing of plans to increase awareness, streamlining the application process, lack of concern over facing the mandate penalty.'' Market forces may well come up with ways of addressing these behavioral barriers—such as by marketing the plans aggressively, providing a high quality customer experience in a streamlined application process, and clarifying the applicability of the mandate penalty.

[88] Michael Cohen, Michelle Anderson, Ross Winkelman, ''Effects of Short-Term Limited Duration Plans on the ACA-Compliant Individual Market,'' Wakely Consulting Group, April, 2018. Available at: *http://www.communityplans.net/wp-content/uploads/2018/04/Wakely-Short-Term-Limited-Duration-Plans-Report.pdf.*

[89] Oliver Wyman, ''Potential Impact of Short-Term Limited Duration Plans,'' April 11, 2018. Available at: *https://hbx.dc.gov/sites/default/files/dc/sites/hbx/publication/attachments/OWReview%20of%20Impact%20of%20Short%20Term%20Duration%20Plans%204.11.2018%20%28002%29.pdf.*

[90] Covered California, ''Individual Markets Nationally Face High Premium Increases in Coming Years Absent Federal or State Action, With Wide Variation Among States,'' March 8, 2018. Available at *http://hbex.coveredca.com/data-research/library/CoveredCA_High_Premium_Increases_3-8-18.pdf.*

limited-duration insurance and individual market plans will increase, and enrollment in short-term, limited-duration insurance is likely to grow beyond what it was in 2016. The commenter estimated that each percentage point increase in premiums for individual market plans as a result of the policies in the proposed rule would increase federal spending on PTCs by $800 million in 2019. Another commenter cited a report stating that enrollment in short-term, limited-duration coverage may be closer to one million.

One commenter expected that the mostly uninsured or off-Exchange insured group of consumers who may purchase short-term, limited-duration insurance policies will follow the age distribution of those who currently purchase short-term, limited-duration insurance, which is an average of approximately 41.3 years of age.

The Departments are unable to verify the conclusions of the different studies submitted and referred to by commenters. However, the studies, in sum suggest that the rule may significantly reduce the number of people without any type of health insurance and will likely only result in a small average increase to premiums in the individual and group markets.

Enrollment in short-term, limited-duration insurance will depend in large part on how issuers respond to this final rule and to external factors such as the reduction to $0 of the individual shared responsibility payment starting in 2019. If issuers respond by offering a substantially greater range of plan designs than those currently available in the market for short-term, limited-duration insurance in order to attract consumers with a wide range of medical needs, then total enrollment is more likely to align with high-end estimates. Alternatively, if states impose restrictions on short-term, limited-duration insurance or issuers do not substantially alter existing short-term, limited-duration insurance plan designs, then consumers may experience only a moderate increase in convenience as a result of this final rule since short-term, limited-duration insurance is already available and can be purchased as four separate less than 3-month insurance policies [91]—and in such a scenario, high-end enrollment estimates would be less likely.

As discussed earlier in this rule, there is significant uncertainly regarding all of these estimates, because changes in enrollment and premiums will depend on a variety of factors and it is difficult to predict how consumers and issuers will react to the policy changes finalized in this rule. In addition, the impact in any given state will vary depending on state regulations and the characteristics of that state's markets and risk pools. In addition, some of these studies estimate the impacts of the proposed rule and some of them present combined effects of the Association Health Plan proposed rule or the reduction of the shared responsibility payment to $0. The study by Oliver Wyman may not be generally applicable to the rest of the country, because the District of Columbia is not representative of other markets insofar as it is very small and because a very small percentage of the District's enrollees receive PTCs.

C. Regulatory Alternatives

The Departments considered not changing the federal standards for short-term, limited-duration insurance or increasing the initial contact term to 6 or 8 months, as suggested by some commenters. However, this alternative would not adequately increase choices for individuals unable or unwilling to purchase individual market health insurance coverage. Extending the maximum initial contract term to less than 12 months ensures that deductibles are not reset and premiums do not increase every 3 (or 6, or 8) months for consumers who purchase short-term, limited-duration insurance and conditions that develop during the coverage period continue to be covered for a longer period of time until the consumer can switch to an individual market plan, if needed

The Departments considered finalizing the notice language as proposed. The Departments decided to revise the notice language based on commenter feedback to include more details regarding what the policy may or may not cover. States also have the option to require more information than what is included in the federal notice.

The Departments considered not allowing renewals or extensions of short-term, limited-duration insurance policies beyond 12 months, as well as not permitting renewals or extensions. However, upon review of comments, the Departments determined that allowing renewals or extensions of a policy up to a maximum duration of 36 months increases consumer choices, provides additional protection, and ensures that consumers can maintain coverage under their short-term, limited-duration insurance policy after the expiration of the initial contract term if it is the most desirable option. As many commenters pointed out, to the extent that the maximum duration of short-term, limited-duration insurance is limited to a relatively short period of time, for example, less than 3 months, or even less than 12 months, without permitting renewals or extensions, this would mean that every 3 months or every 12 months, an individual purchasing short-term, limited-duration insurance would be subject to re-underwriting, and would possibly have his or her premium greatly increased as a result. Also, to the extent the policy excluded preexisting conditions for a specified period of time or imposed a waiting period on specific benefits, the individual would not get credit for the amount of time he or she had the previous coverage. The issuer could also decline to issue a new policy to the consumer based on preexisting medical conditions. The Departments find all of these to be compelling reasons in favor of permitting renewals and extensions as set forth in the final rule, such that the maximum duration under a single short-term, limited-duration insurance policy may be 36 months (including renewal or other extension periods), as opposed to less than 12 months. As mentioned earlier in the preamble, in determining the appropriate limits on the permissible range of renewals or extensions in giving meaning to the term ''limited-duration,'' the Departments were informed by other circumstances under which Congress authorized temporary limited coverage options.

In addition to the applicability date set forth in the proposed rule, the Departments also considered an applicability date of January 1, 2020, as suggested by some commenters. The Departments chose the applicability date of 60 days after the date the rule was published in the **Federal Register** to ensure that states that want to expand access to short-term, limited-duration insurance and individuals who wish to purchase such coverage can begin to benefit from the changes as soon as possible.

Some commenters criticized the Departments for not adequately, or failing to, consider other alternatives. Some commenters stated that the Departments failed to explore the options presented in the regulatory alternatives section and should engage in a more robust discussion of regulatory alternatives. One commenter stated that the Departments indicated that the only alternatives to this

[91] Karen Pollitz, Michelle Long, Ashley Semanskee, and Rabah Kamal, ''Understanding Short-Term Limited Duration Health Insurance'', Kaiser Family Foundation, April 23, 2018. Available at *https://www.kff.org/health-reform/issue-brief/understanding-short-term-limited-duration-health-insurance/.*

proposal would be to lengthen the duration of short-term, limited-duration plans to either 6 or 9 months and dismissed both options without any explanation. This suggested, the commenter stated, that the Departments did not adequately consider other options. The commenter suggested that there are other options that will actually lead to expanded access and will not destabilize the private health insurance market, such as to fund cost-sharing reductions. Another option suggested by a commenter was to take no action since, in the commenter's view, the proposed action would not expand access to comprehensive coverage, would lead to more discrimination against people with preexisting conditions, and would destabilize private health insurance markets.

The Departments disagree. In addition to considering maintaining the less than 3 month (including renewals) standard in the October 2016 final rule, as well as the proposed less than 12 month standard in the proposed rule, the Departments also considered maximum durations of 6 months or 8 months. Recognizing the myriad number of potential approaches the Departments could consider to establish federal standards for short-term, limited-duration insurance, the Departments also solicited comments on all aspects of the proposed rule. In addition, we have added a more detailed discussion of regulatory alternatives considered for this final regulation. The Departments have chosen the alternatives that we believe will benefit individuals who have been harmed by the increasing premiums, deductibles and cost-sharing associated with individual market plans and limited choices. As discussed previously, this rule will also increase the number of people with some type of coverage by 0.2 million by 2028.

D. Paperwork Reduction Act—Department of Health and Human Services

This final rule revises the required notice that must be prominently displayed in the contract and in any application materials for short-term, limited-duration insurance. The Departments are providing the exact text for this notice requirement and the language will not need to be customized. The burden associated with these notices is not subject to the Paperwork Reduction Act of 1995 in accordance with 5 CFR 1320.3(c)(2) because they do not contain a ''collection of information'' as defined in 44 U.S.C. 3502(3). Consequently, this document need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and that are likely to have a significant economic impact on a substantial number of small entities. Unless an agency certifies that a final rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the RFA requires that the agency prepare a final regulatory flexibility analysis describing the impact of the rule on small entities. Small entities include small businesses, organizations and governmental jurisdictions.

The RFA generally defines a ''small entity'' as—(1) a proprietary firm meeting the size standards of the Small Business Administration (13 CFR 121.201); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. (States and individuals are not included in the definition of ''small entity''). The Departments use as their measure of significant economic impact on a substantial number of small entities a change in costs or revenues of more than 3 to 5 percent.

This final rule will impact health insurance issuers, especially those in the individual market. The Departments believe that health insurance issuers will be classified under the North American Industry Classification System code 524114 (Direct Health and Medical Insurance Carriers). According to SBA size standards, entities with average annual receipts of $38.5 million or less are considered small entities for this North American Industry Classification System codes. Some issuers could possibly be classified in 621491 (Health Maintenance Organization Medical Centers) and, if this is the case, the SBA size standard is $32.5 million or less.[92] The Departments believe that few, if any, insurance companies selling comprehensive health insurance policies (in contrast, for example, to travel insurance policies or dental discount policies) fall below these size thresholds. Based on data from MLR annual report submissions for the 2016 MLR reporting year,[93] approximately 85 out of over 520 issuers of health insurance coverage nationwide had total premium revenue of $38.5 million or less, of which 51 issuers offer plans in the individual market. This estimate may overstate the actual number of small health insurance companies that may be affected, since almost 79 percent of these small companies belong to larger holding groups, and many if not all of these small companies are likely to have non-health lines of business that will result in their revenues exceeding $38.5 million. Therefore, the Departments certify that this final rule will not have a significant impact on a substantial number of small entities.

In addition, section 1102(b) of the Social Security Act requires agencies to prepare a regulatory impact analysis if a rule may have a significant economic impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. This final rule will not have a direct effect on rural hospitals, though there might be an indirect impact. However, as discussed below, there are mitigating factors. Therefore, the Departments have determined that this final rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

One commenter disagreed with the statement in the proposed rule that ''[t]his proposed rule will not affect small rural hospitals.'' The commenter stated that issuer withdrawal from the individual market caused by the proposed changes would especially have a catastrophic impact on rural families who already have limited plan choices, as well as on the rural hospitals and other providers who ''rely on razor-thin financial margins to deliver care.'' The commenter urged the Departments to prioritize market stabilization and to pay special attention to the impacts in rural communities.

The total number of individuals purchasing either individual market plans or short-term, limited-duration insurance coverage is expected to increase, which will limit or reduce the amount of uncompensated care provided by hospitals. Moreover, people in rural areas have generally been most harmed by the reduction in choice that as resulted from PPACA and likely stand to disproportionately receive benefit from this rule. The Departments

[92] U.S. Small Business Administration, ''Table of Small Business Size Standards Matched to North American Industry Classification System Codes'', Effective October 1, 2017. Available at *https://www.sba.gov/sites/default/files/files/Size_Standards_Table_2017.pdf.*

[93] Available at *https://www.cms.gov/CCIIO/Resources/Data-Resources/mlr.html.*

acknowledge there is a possibility that due to adverse selection and changes to the individual market risk pool, fewer issuers may offer individual market plans in certain states, leading to reduced choices for consumers remaining in the individual market risk pools. However, individuals in rural areas are more likely to be low-income and less likely to receive employer sponsored coverage compared to those living in other areas and a large percentage of rural individuals (24 percent of the nonelderly population) are covered by Medicaid.[94] Individuals in rural areas enrolled in individual market plans are more likely to receive PTC[95] because, generally, incomes in these areas are typically lower than 400% of the Federal Poverty Line and therefore relatively young or healthy individuals are less likely to leave the individual market risk pool in these areas, thereby limiting the effects on the risk pool. State regulations may also limit the impact on the individual market risk pools.

F. Impact of Regulations on Small Business—Department of the Treasury

Pursuant to section 7805(f) of the Code, the proposed rule that preceded this final rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

G. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any 1 year by a state, local, or Tribal governments, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately $150 million. This final rule does not include any Federal mandate that may result in expenditures by state, local, or tribal governments, or by the private sector in excess of that threshold.

H. Federalism

Executive Order 13132 outlines fundamental principles of federalism. It requires adherence to specific criteria by Federal agencies in formulating and implementing policies that have ''substantial direct effects'' on the states, the relationship between the national government and states, or on the distribution of power and responsibilities among the various levels of government. Federal agencies promulgating regulations that have these federalism implications must consult with state and local officials, and describe the extent of their consultation and the nature of the concerns of state and local officials in the preamble to the final regulation.

Federal officials have discussed the issues related to short-term, limited-duration insurance with state regulatory officials. This final rule has no federalism implications to the extent that current state law requirements for short-term, limited-duration insurance are the same as or more restrictive than the Federal standard in this final rule. States may continue to apply such state law requirements. States also have the flexibility to require additional consumer disclosures and to establish a different, shorter initial contact term and maximum duration (including renewals and extensions) under state law in response to market-specific needs or concerns.

I. Congressional Review Act

This final rule is subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and will be transmitted to the Congress and to the Comptroller General for review in accordance with such provisions.

J. Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017 and requires that the costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.'' This final rule is an Executive Order 13771 deregulatory action.

IV. Statutory Authority

The Department of the Treasury regulations are adopted pursuant to the authority contained in sections 7805 and 9833 of the Code.

The Department of Labor regulations are adopted pursuant to the authority contained in 29 U.S.C. 1135 and 1191c; and Secretary of Labor's Order 1–2011, 77 FR 1088 (Jan. 9, 2012).

The Department of Health and Human Services regulations are adopted pursuant to the authority contained in sections 2701 through 2763, 2791, 2792 and 2794 of the PHS Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, 300gg–92 and 300gg–94), as amended.

List of Subjects

26 CFR Part 54

Pension excise taxes.

29 CFR Part 2590

Continuation coverage, Disclosure, Employee benefit plans, Group health plans, Health care, Health insurance, Medical child support, Reporting and recordkeeping requirements.

45 CFR Parts 144 and 146

Health care, Health insurance, Reporting and recordkeeping requirements.

45 CFR Part 148

Administrative practice and procedure, Health care, Health insurance, Penalties, Reporting and recordkeeping requirements.

Douglas W. O'Donnell,

Acting Deputy Commissioner for Services and Enforcement, Internal Revenue Service.

Approved: July 26, 2018.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

Signed this 26th day of July 2018.

Preston Rutledge,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Dated: July 24, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: July 25, 2018.

Alex M. Azar II,

Secretary, Department of Health and Human Services.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

For the reasons stated in the preamble, 26 CFR part 54 is amended as follows:

PART 54—PENSION AND EXCISE TAX

■ **Paragraph 1.** The authority citation for part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *.

■ **Par. 2.** Section 54.9801–2 is amended by revising the definition of ''Short-

[94] Julia Foutz, Samantha Artiga, and Rachel Garfield, ''The Role of Medicaid in Rural America'', Kaiser Family Foundation, April 25, 2017. Available at: *https://www.kff.org/medicaid/issue-brief/the-role-of-medicaid-in-rural-america/.*

[95] Analysis of data on Exchange plan selections (non-canceled plan selections at a point-in-time) for the most recent open enrollment period shows that consumers in rural areas are 5 percent more likely to receive PTC compared to those who live in non-rural areas.

term, limited-duration insurance'' to read as follows:

§ 54.9801–2 Definitions.

* * * * *

Short-term, limited-duration insurance means health insurance coverage provided pursuant to a contract with an issuer that:

(1) Has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration of no longer than 36 months in total;

(2) With respect to policies having a coverage start date before January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 1, excluding the heading ''Notice 1,'' with any additional information required by applicable state law:

Notice 1:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not ''minimum essential coverage.'' If you don't have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

(3) With respect to policies having a coverage start date on or after January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 2, excluding the heading ''Notice 2,'' with any additional information required by applicable state law:

Notice 2:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage.

(4) If a court holds the 36-month maximum duration provision set forth in paragraph (1) of this definition or its applicability to any person or circumstances invalid, the remaining provisions and their applicability to other people or circumstances shall continue in effect.

* * * * *

■ **Par. 3.** Section 54.9833–1 is amended by revising the section heading and the last sentence to read as follows:

§ 54.9833–1 Applicability dates.

* * * Notwithstanding the previous sentence, the definition of ''short-term, limited-duration insurance'' in § 54.9801–2 applies October 2, 2018.

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Chapter XXV

For the reasons stated in the preamble, the Department of Labor amends 29 CFR part 2590 as set forth below:

PART 2590—RULES AND REGULATIONS FOR GROUP HEALTH PLANS

■ 4. The authority citation for part 2590 continues to read as follows:

Authority: 29 U.S.C. 1027, 1059, 1135, 1161–1168, 1169, 1181–1183, 1181 note, 1185, 1185a, 1185b, 1191, 1191a, 1191b, and 1191c; sec. 101(g), Pub. L. 104–191, 110 Stat. 1936; sec. 401(b), Pub. L. 105–200, 112 Stat. 645 (42 U.S.C. 651 note); sec. 512(d), Pub. L. 110–343, 122 Stat. 3881; sec. 1001, 1201, and 1562(e), Pub. L. 111–148, 124 Stat. 119, as amended by Pub. L. 111–152, 124 Stat. 1029; Division M, Pub. L. 113–235, 128 Stat. 2130; Secretary of Labor's Order 1–2011, 77 FR 1088 (Jan. 9, 2012).

■ 5. Section 2590.701–2 is amended by revising the definition of ''Short-term, limited-duration insurance'' to read as follows:

§ 2590.701–2 Definitions.

* * * * *

Short-term, limited-duration insurance means health insurance coverage provided pursuant to a contract with an issuer that:

(1) Has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration of no longer than 36 months in total;

(2) With respect to policies having a coverage start date before January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 1, excluding the heading ''Notice 1,'' with any additional information required by applicable state law:

Notice 1:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not ''minimum essential coverage.'' If you don't have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

(3) With respect to policies having a coverage start date on or after January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 2, excluding the heading ''Notice 2,'' with any additional information required by applicable state law:

Notice 2:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage.

(4) If a court holds the 36-month maximum duration provision set forth in paragraph (1) of this definition or its

applicability to any person or circumstances invalid, the remaining provisions and their applicability to other people or circumstances shall continue in effect.

* * * * *

■ 6. Section 2590.736 is amended by revising the last sentence to read as follows:

§ 2590.736 Applicability dates.

* * * Notwithstanding the previous sentence, the definition of ''short-term, limited-duration insurance'' in § 2590.701–2 applies October 2, 2018.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR parts 144, 146, and 148 as set forth below:

PART 144—REQUIREMENTS RELATING TO HEALTH INSURANCE COVERAGE

■ 7. The authority citation for part 144 continues to read as follows:

Authority: 42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92.

■ 8. Section 144.103 is amended by revising the definition of ''Short-term, limited-duration insurance'' to read as follows:

§ 144.103 Definitions.

* * * * *

Short-term, limited-duration insurance means health insurance coverage provided pursuant to a contract with an issuer that:

(1) Has an expiration date specified in the contract that is less than 12 months after the original effective date of the contract and, taking into account renewals or extensions, has a duration of no longer than 36 months in total;

(2) With respect to policies having a coverage start date before January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 1, excluding the heading ''Notice 1,'' with any additional information required by applicable state law:

Notice 1:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage. Also, this coverage is not ''minimum essential coverage.'' If you don't have minimum essential coverage for any month in 2018, you may have to make a payment when you file your tax return unless you qualify for an exemption from the requirement that you have health coverage for that month.

(3) With respect to policies having a coverage start date on or after January 1, 2019, displays prominently in the contract and in any application materials provided in connection with enrollment in such coverage in at least 14 point type the language in the following Notice 2, excluding the heading ''Notice 2,'' with any additional information required by applicable state law:

Notice 2:

This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage.

(4) If a court holds the 36-month maximum duration provision set forth in paragraph (1) of this definition or its applicability to any person or circumstances invalid, the remaining provisions and their applicability to other people or circumstances shall continue in effect.

* * * * *

PART 146—REQUIREMENTS FOR THE GROUP HEALTH INSURANCE MARKET

■ 9. The authority citation for part 146 is revised to read as follows:

Authority: 42 U.S.C. 300gg–1 through 300gg–5, 300gg–11 through 300gg–23, 300gg–91, and 300gg–92.

■ 10. Section 146.125 is amended by revising the last sentence to read as follows.

§ 146.125 Applicability dates.

* * * Notwithstanding the previous sentence, the definition of ''short-term, limited-duration insurance'' in § 144.103 of this subchapter applies October 2, 2018.

PART 148—REQUIREMENTS FOR THE INDIVIDUAL HEALTH INSURANCE MARKET

■ 11. The authority citation for part 148 continues to read as follows:

Authority: 42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

■ 12. Section 148.102 is amended by revising the section heading and the last sentence of paragraph (b) to read as follows:

§ 148.102 Scope and applicability date.

* * * * *

(b) * * * Notwithstanding the previous sentence, the definition of ''short-term, limited-duration insurance'' in § 144.103 of this subchapter is applicable October 2, 2018.

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