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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0522]

Drawbridge Operation Regulation; Narrow Bay, Suffolk County, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Smith Point Bridge, mile 6.1 across Narrow Bay, at Suffolk County, New York. The deviation is necessary to facilitate the 18th Annual Smith Point Bridge 5k Run for Literacy. The deviation allows the bridge to remain in the closed position for one hour.

DATES: This deviation is effective from 9 a.m. to 10 a.m. on September 8, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0522, is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Stephanie Lopez, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4335, email *Stephanie.E.Lopez@uscg.mil*.

SUPPLEMENTARY INFORMATION: Smith Point County Park requested and the bridge owner, Suffolk County Department of Public Works, concurred with this temporary deviation request from the normal operating schedule to facilitate a 5K run.

The Smith Point Bridge across Narrow Bay, mile 6.1, has a vertical clearance of 18 feet at mean high water and 19 feet at mean low water in the closed position. The existing drawbridge operating regulation is listed at 33 CFR 117.799(d).

The temporary deviation will allow the Smith Point Bridge to remain closed from 9 a.m. to 10 a.m. on September 8, 2018 for a 5K run. Narrow Bay is transited by seasonal recreational vessels. Coordination with Coast Guard Sector Long Island Sound has indicated no mariner objections to the proposed short-term closure of the draw.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies. There is no immediate alternate route for vessels to pass.

The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 8, 2018.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–17426 Filed 8–13–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2018–OESE–0017; Catalog of Federal Domestic Assistance (CFDA) Number 84.144F]

Final Waiver and Extension of the Project Period for the Migrant Education Program Consortium Incentive Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Final waiver and extension of the project period.

SUMMARY: The Secretary waives the requirement in the Education Department General Administrative Regulations that generally prohibits project period extensions involving the obligation of additional Federal funds. The waiver and project period extension will enable the 34 current Migrant Education Program (MEP) Consortium Incentive Grant (CIG) program grantees to continue to receive Federal funding for up to an additional 24 months through fiscal year (FY) 2019.

DATES: These waivers are effective August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Jennifer Rodriguez, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E323, Washington, DC 20202. Telephone: (202) 453–6670. Email: *jennifer.rodriguez@ed.gov*.

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SUPPLEMENTARY INFORMATION:

Background

The MEP CIG program is authorized by section 1308(d) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6398(d)). Through the MEP CIG program, the U.S. Department of Education (Department) provides financial incentives to State educational agencies (SEAs) to participate in high-quality consortia that improve the interstate or intrastate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted.

The Department published a notice of final requirements for the MEP CIG program in the **Federal Register** on March 3, 2004 (69 FR 10109) (2004 Notice), and we have used these final requirements for CIG program competitions since FY 2004. The 2004 Notice established a project period of up to two years for grants awarded under the MEP CIG program. We subsequently published a notice of final requirements for the MEP CIG program in the **Federal Register** on December 31, 2013 (78 FR 79613) (2013 Notice), in which we increased the CIG project period to three years.

The Department last awarded CIG program grants in FY 2015. Currently, 34 SEAs (out of a total of 46 SEAs that receive MEP formula grant program funds) participate in CIG program-funded consortia.

On April 20, 2018, the Department published a document in the **Federal Register** (83 FR 17516) proposing a waiver of the requirement in 34 CFR 75.261(c)(2). Waiving this requirement will enable the Secretary to provide additional funds to the 34 Consortium Incentive Grant grantees for up to an additional two years. The April 2018 document also invited public comment on the proposed waiver and extension of the project period.

Public Comment

In response to our invitation in the proposed waiver and extension of the project period, the Department received 29 total comments. Generally, we do not address technical and other minor changes. In addition, we do not address general comments that raise concerns not directly related to the proposed waiver and extension.

Analysis of Comments and Changes

Of the 29 comments received, 24 were in support of the waiver and two were opposed. An analysis of the comments and of any changes in the waiver follows.

Comment: Several of the commenters stated that the waiver would allow for continuous improvement and promotion of interstate coordination of migrant education programs by addressing key needs of migratory children who have their education interrupted. Several commenters also noted that the waiver would provide up to two years of additional funding, which would permit grantees to continue coordinating with one another and achieving the goals and objectives of their consortia. Two commenters noted that the waiver would provide the opportunity to create additional materials to address the needs identified in their State, refine the materials already developed, and work to ensure that the materials are widely disseminated and used by migrant programs across the Nation.

Discussion: We appreciate the commenters' support for this waiver.

Changes: None.

Comment: Two comments opposed the waiver and extension of the project period. The first commenter noted that the extension prohibits SEAs that are not currently participating in the program from joining for up to another two years, excludes States from access to Federal funds, and requires States to remain with the consortium they are currently participating in even if it no longer addresses their needs. A second commenter raised similar concerns, specifically regarding the 12 States that are excluded from funding for the CIGs because of their lack of participation in the current cycle of grants. However, the commenter stated they did not wish to cause a delay in funding to the current consortia, but urged the Department to extend the project period for only one year rather than two. The commenter also expressed regret that the Department did not plan as needed in order to host a grant competition this year.

Discussion: We appreciate the commenters' suggestions and also regret that 12 SEAs will not be able to participate in a CIG project for up to an additional two years. Due to the time needed to consider changes to the priorities, structure, and duration of the CIG program, we believe a waiver of up to two additional years, which will allow the 34 participating States to continue their work and to receive a continuation award in the same amount as their most recent continuation award, is the best course of action. However, we appreciate the commenters' concerns and will work to publish a notice of final requirements and a notice inviting applications as quickly as possible.

Changes: None.

Final Waivers

In the April 2018 document, we discussed the background and purposes of the CIG and our reasons for proposing the waivers. As outlined in that document, providing up to two additional years of funding would permit grantees to continue coordinating with one another and achieving the goals and objectives of their consortium applications as the Secretary considers changes to the priorities, structure, and duration of the CIG program. Based on the progress SEAs generally have made on consortium projects, we believe that current grantees could benefit from a fourth and possibly fifth year in which to continue working on and implementing their CIG program projects.

Moreover, implementing this waiver and extension would ensure that the services provided by the current CIG program grantees continue uninterrupted as the Department supports States in their transition to implement requirements under the ESEA as amended by the Every Student Succeeds Act. During this extension period, the activities of the current CIG program grantees would be modified through work plans, as necessary, to continue the implementation of consortium activities and to support States as they implement requirements under the amended ESEA.

For all of these reasons, we have concluded that it would be contrary to the public interest to have a lapse in the work of current CIG program grantees while the Secretary considers changes to the implementation of the CIG program and while the Department implements the components of the amended ESEA as described above.

Therefore, the Secretary waives the requirements in 34 CFR 75.261(c)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds.

Under this waiver—

(1) Current grantees will be authorized to receive continuation awards annually for up to two years using the CIG funding formula currently in existence.

(2) We will not announce a new competition in FY 2018 or in FY 2019 (if the project period is extended for two years).

(3) During the extension period, any activities carried out must be consistent with, or be a logical extension of, the scope, goals, and objectives of the grantees' approved application from the FY 2015 CIG program competition.

(4) Each grantee that receives a continuation award must also continue to comply with the requirements established in the program regulations, the 2004 and 2013 Notices, and the 2015 notice inviting applications for the MEP CIG program (80 FR 6502).

The waiver of 34 CFR 75.261(c)(2) will not affect the applicability of the requirements in 34 CFR 75.253 (continuation of a multi-year project after the first budget period) to any current CIG program grantee that receives a continuation award as a result of the waiver.

Regulatory Flexibility Act Certification

The Secretary certifies that this final waiver and extension will not have a significant economic impact on a substantial number of small entities. None of the affected entities are small entities, as this program makes awards to SEAs.

Paperwork Reduction Act of 1995

This final waiver and extension does not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for

coordination and review of proposed Federal financial assistance.

This document provides notification of our specific plans and actions for this program.

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Dated: August 9, 2018.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2018–17470 Filed 8–13–18; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2018–0237; FRL–9981–83—Region 2]

Approval of Air Quality Implementation Plans; New Jersey; Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS; Interstate Transport Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving elements of the State Implementation Plan (SIP) submission from New Jersey regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS or standard). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions.

DATES: This final rule is effective on September 13, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2018–0237. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Fradkin, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3702, or by email at *fradkin.kenneth@epa.gov.*

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

Table of Contents

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

I. What is the background for this action?

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

On May 21, 2018 (83 FR 23402), EPA published a Notice of Proposed Rulemaking (NPR) in the **Federal Register** for the State of New Jersey. The NPR proposed to approve elements of the State of New Jersey's Infrastructure SIP submission, dated October 17, 2014, which were submitted to address CAA section 110(a) infrastructure requirements for the following NAAQS: 2008 ozone, 2008 lead, 2010 nitrogen dioxide (NO_2), 2010 sulfur dioxide (SO_2), 2011 carbon monoxide (CO), 2006 particulate matter of 10 microns or less (PM_{10}), and 2012 particulate matter of 2.5 microns or less ($PM_{2.5}$). Specifically, EPA proposed in the May 21, 2018 action to approve the portion of the submission addressing the interstate transport provisions for the 2012 $PM_{2.5}$ NAAQS under CAA section 110(a)(2)(D)(i)(I), otherwise known as the ''good neighbor'' provision.

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

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

In response to the EPA's May 21, 2018 proposed rulemaking to approve the portion of the New Jersey's infrastructure SIP submission, dated October 17, 2014, addressing the interstate transport provisions for the 2012 $PM_{2.5}$ NAAQS, EPA received two comments from the public during the 30-day public comment period. After reviewing the comments, EPA has determined that the comments are outside the scope of our proposed action or fail to identify any material issue necessitating a response. None of the comments raise issues germane to the EPA's proposed action. For this reason, the EPA will not provide a specific response to the comments. The comments may be viewed under Docket ID Number EPA–R02–OAR–2018–0237 on the *http://www.regulations.gov* website.

III. What action is EPA taking?

EPA is approving the portion of New Jersey's October 17, 2014 infrastructure SIP submission addressing the interstate transport provisions for the 2012 $PM_{2.5}$ NAAQS under CAA section 110(a)(2)(D)(i)(I).

EPA will address the requirements of CAA sections 110(a)(2)(D)(i)(I) for the 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, and the 2006 PM_{10} NAAQS in a separate action at a later date. As noted in the NPR, New Jersey withdrew the portion of its October 17, 2014 SIP submission addressing 110(a)(2)(D)(i)(I)

with respect to the 2008 8-hour ozone NAAQS.

EPA addressed interstate transport provisions concerning the Prevention of Significant Deterioration (PSD) regulations and visibility protection (*i.e.,* section 110(a)(2)(D)(i)(II)) for 2012 $PM_{2.5}$, 2008 ozone, 2008 lead, 2010 NO_2, 2010 SO_2, 2011 CO, and the 2006 PM_{10} NAAQS) on September 19, 2016.[1]

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: July 25, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart FF—New Jersey

■ 2. In § 52.1570, the table in paragraph (e) is amended by adding the entry ''NJ Infrastructure SIP for the 2012 $PM_{2.5}$ NAAQS; Interstate Transport Provisions'' at the end of the table to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEW JERSEY NONREGULATORY AND QUASI-REGULATORY PROVISIONS

SIP element	Applicable geographic or nonattainment area	New Jersey submittal date	EPA approval date	Explanation
*	*	*	*	*
NJ Infrastructure SIP for the 2012 $PM_{2.5}$ NAAQS; Interstate Transport Provisions.	State-wide	October 17, 2014 ..	August 14, 2018, [insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(D)(i)(I) prongs 1 and 2.

[1] 81 FR 64070 (September 19, 2016).

■ 3. In § 52.1586, paragraph (b)(1) is amended by adding a sentence at the end of the paragraph to read as follows:

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

* * * * *

(b) * * *

(1) * * * Submittal from New Jersey dated October 17, 2014 to address the CAA infrastructure requirements of section 110(a)(2) for the 2012 $PM_{2.5}$ is approved for (D)(i)(I).

* * * * *

[FR Doc. 2018–17361 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. EPA–R02–OAR–2018–0197; FRL–9981–63—Region 2]

Adequacy Status of Motor Vehicle Emissions Budgets for the New York Portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, 2008 8-Hour Ozone Nonattainment Area; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of adequacy; correction.

SUMMARY: This document corrects an error in the table posted in the June 8, 2018, notification of adequacy of the motor vehicle emission budgets (MVEB) for the New York portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area. The MVEBs were submitted by New York State Department of Environmental Conservation as part of the SIP revision for the area's 2008 8-hour ozone nonattainment area. The MVEB budget table in the original post listed incorrect units for the actual MVEBs. The Environmental Protection Agency (EPA), therefore, is correcting the table to show the correct units.

DATES: This correction is effective on August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Hannah Greenberg, Environmental Protection Agency Region 2, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866; (212) 637–3829, *greenberg.hannah@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA published a notification of adequacy on June 8, 2018, (83 FR 26597) which found that the 2017 MVEBs for volatile organic compounds (VOCs) and nitrogen oxides (NO_X) submitted by the New York State Department of Environmental Conservation for the 2008 NAAQS for ozone are adequate for transportation conformity purposes for the New York portions of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area. In this document, EPA erroneously listed the 2017 MVEB units as tons per year. The actual 2017 MVEB units are tons per day. Therefore, the table is being corrected to list the correct units.

Correction

In the notification of adequacy published in the **Federal Register** on June 8, 2018 (83 FR 26597), on page 26598, in the second column, the table:

TABLE 1—2017 MOTOR VEHICLE EMISSIONS BUDGETS FOR NYMTC

[Tons per year]

Year	VOC	NO_X
2017	65.69	117.21

is corrected to read:

TABLE 1—2017 MOTOR VEHICLE EMISSIONS BUDGETS FOR NYMTC

[Tons per day]

Year	VOC	NO_X
2017	65.69	117.21

Authority: 42 U.S.C. 7401–7671 q.

Dated: July 20, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

[FR Doc. 2018–17369 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R02–OAR–2018–0712; FRL–9981–99—Region 2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; United States Virgin Islands; Commercial and Industrial Solid Waste Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a Clean Air Act (CAA) section 111(d)/129 negative declaration for the United States Virgin Islands, for Commercial and industrial solid waste incineration (CISWI) units. This negative declaration certifies that CISWI units subject to sections 111(d) and 129 of the CAA do not exist within the jurisdiction of the United States Virgin Islands. The EPA is accepting the negative declaration in accordance with the requirements of the CAA.

DATES: This final rule is effective on September 13, 2018.

FOR FURTHER INFORMATION CONTACT: Edward J. Linky, Environmental Protection Agency, Air Programs Branch, 290 Broadway, New York, New York 10007–1866 at 212–637–3764 or by email at *Linky.Edward@epa.gov.*

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

I. Background
II. What comments were received in response to the EPA's proposed rule?
III. What action is EPA taking today?
IV. Statutory and Executive Order Reviews

I. Background

The Clean Air Act (CAA) requires that state [1] regulatory agencies implement the emission guidelines and compliance times using a state plan developed under sections 111(d) and 129 of the CAA.

The general provisions for the submittal and approval of state plans are codified in 40 CFR part 60, subpart B and 40 CFR part 62, subpart A. Section 111(d) establishes general requirements and procedures on state plan submittals for the control of designated pollutants.

Section 129 requires emission guidelines to be promulgated for all categories of solid waste incineration units, including commercial and industrial solid waste incineration (CISWI) units. A CISWI unit is defined, in general, as "any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined at 40 CFR 241." See 40 CFR 60.2875. Section 129 mandates that all plan requirements be at least as protective as the promulgated emission guidelines. This includes fixed final compliance dates, fixed compliance schedules, and Title V permitting requirements for all affected sources. Section 129 also requires that state plans be submitted to EPA within one year after EPA's promulgation of the emission guidelines and compliance times.

States have options other than submitting a state plan in order to fulfill

[1] Section 302(d) of the CAA includes the United States Virgin Islands in the definition of the term "State."

their obligations under CAA sections 111(d) and 129. If a state does not have any existing CISWI units for the relevant emission guidelines, a letter can be submitted certifying that no such units exist within the state (*i.e.,* negative declaration) in lieu of a state plan. The negative declaration exempts the state from the requirements of subpart B that would otherwise require the submittal of a CAA section 111(d)/129 plan.

On March 21, 2011 (76 FR 15704), the EPA established emission guidelines and compliance times for existing CISWI units (New Source Performance Standards (NSPS) and Emission Guidelines (EG)). The emission guidelines and compliance times are codified at 40 CFR part 60, subpart DDDD. Following promulgation of the 2011 CISWI rule, EPA received petitions for reconsideration requesting to reconsider numerous provisions in the 2011 CISWI rule. EPA granted reconsiderations on specific issues and promulgated a CISWI reconsideration rule on Fegruary 7, 2013. 78 FR 9112. EPA again received petitions to further reconsider certain provisions of the 2013 NSPS and EG for CISWI units. On January 21, 2015 EPA granted reconsideration of four specific issues and finalized reconsideration of the CISWI NSPS and EG on June 23, 2016 (81 FR 40956).

In order to fulfill obligations under CAA sections 111(d) and 129, the Department of Planning and Natural Resources (DPNR) of the Government of the United States Virgin Islands submitted a negative declaration letter to the EPA on August 17, 2016. The submittal of this declaration exempts the United States Virgin Islands from the requirement to submit a state plan for existing CISWI units. On May 2, 2018 (83 FR 19195), the EPA proposed to approve DPNR's negative declaration letter that certifies there are no existing CISWI units located in the United States Virgin Islands.

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

In response to the EPA's May 2, 2018 (83 FR 19195) proposed rulemaking, the EPA received no public comments.

III. What action is EPA taking today?

In this final rule the EPA will amend 40 CFR part 62 to reflect receipt of the negative declaration letter from the United States Virgin Islands, certifying that there are no existing CISWI units subject to 40 CFR part 60, subpart DDDD, in accordance with section 111(d) of the CAA.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a 111(d)/129 plan submission that complies with the provisions of the Act and applicable Federal regulations. 40 CFR 62.04. Thus, in reviewing 111(d)/129 plan submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action, as finalized, 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, as finalized:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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 final rule 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. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 25, 2018.

Peter D. Lopez,

Regional Administrator, Region 2.

For the reasons stated in the preamble, EPA amends 40 CFR part 62 as set forth below:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

■ 2. Subpart CCC is amended by adding an undesignated center heading and § 62.13359 to read as follows:

Air Emissions From Commercial and Industrial Solid Waste Incineration (CISWI) Units That Commenced Construction on or Before June 4, 2010, or That Commenced Modification or Reconstruction After June 4, 2010 But Not Later Than August 7, 2013

§ 62.13359 Identification of plan—negative declaration.

Letter from the Virgin Islands Department of Planning and Natural Resources submitted August 17, 2016 to Regional Administrator Judith A. Enck certifying that the United States Virgin Islands has no existing units pursuant to 40 CFR part 60, subpart DDDD, that commenced construction on or before June 4, 2010, or that commenced modification or reconstruction after June 4, 2010 but not later than August 7, 2013.

[FR Doc. 2018–17371 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[GN Docket Nos. 17–183, 18–122; DA 18–640]

Notification of Temporary Filing Freeze on New Fixed-Satellite Service Space Station Applications in the 3.7–4.2 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final action.

SUMMARY: In this document, the International Bureau (Bureau) announces a temporary freeze on the filing of new space station license applications and new requests for U.S. market access through non-U.S.-licensed space stations to provide fixed-satellite service (FSS) in the 3.7–4.2 GHz band.

DATES: The temporary freeze was effective June 21, 2018.

FOR FURTHER INFORMATION CONTACT: Christopher Bair, 202–418–0945 or Paul Blais, 202–418–7274.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 18–640, released June 21, 2018. The full text of this document is available at *https://docs.fcc.gov/public/attachments/DA-18-640A1.pdf.* It is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Background. On August 3, 2017, the Commission released a Notice of Inquiry titled *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz (NOI).* In that NOI, the Commission sought detailed comment on frequency bands that had garnered interest to potentially support increased flexible broadband uses, including the 3.7–4.2 GHz band. To preserve the current landscape of authorized operations pending Commission action as part of its ongoing inquiry into the possibility of permitting terrestrial broadband use and more intensive fixed use of the band (*Mid-band Proceeding*), the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus announced a temporary freeze effective on April 19, 2018, on the filing of new or modification applications for FSS earth station licenses, FSS receive-only earth station registrations, and fixed microwave licenses in the 3.7–4.2 GHz frequency band. The Bureau also announced a 90-day filing window during which operators of existing, but unregistered or unlicensed, earth stations operating in the 3.7–4.2 GHz band could continue to file applications. *See* 83 FR 21746. The Bureau extended this filing window for an additional 90-days on June 21, 2018.

Temporary Freeze. To further preserve the landscape of authorized operations in the 3.7–4.2 GHz band pending Commission action as part of its ongoing inquiry in the *Mid-band Proceeding,* the Bureau announces a temporary freeze, effective as of June 21, 2018, on the filing of new space station license applications and new requests for U.S. market access through non-U.S.-licensed space stations in the 3.7–4.2 GHz band. During the freeze, the International Bureau will dismiss any new space station license applications and new requests for access to the U.S. market through non-U.S.-licensed space stations, or those parts of any such applications and requests, that seek to operate in the 3.7–4.2 GHz band. The freeze does not apply to applications for modification of existing authorizations, relocations of existing space stations pursuant to the Commission's fleet management policy, or to applications for replacement space stations.

Waiver Requests. The International Bureau will consider requests for waiver of this freeze on a case-by-case basis and upon a demonstration that waiver will serve the public interest and not undermine the objectives of the freeze.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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). The Commission will not send a copy of this document pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not ''substantially affect the rights or obligations of non-agency parties.

Federal Communications Commission.

Troy Tanner,

Deputy Chief, International Bureau.

[FR Doc. 2018–17297 Filed 8–13–18; 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; correcting amendments.

SUMMARY: On August 3, 2018, the National Telecommunications and Information Administration (NTIA) and the National Highway Traffic Safety Administration (NHTSA) published a final rule that revised the implementing regulations for the 911 Grant Program, as a result of the enactment of the Next Generation 911 (NG911) Advancement Act of 2012. This document corrects numbering errors in the regulatory text.

DATES: Effective on August 14, 2018.

FOR FURTHER INFORMATION CONTACT: 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*.

SUPPLEMENTARY INFORMATION: On August 3, 2018, NTIA and NHTSA published a joint final rule implementing revisions to the 911 Grant Program (47 CFR part 400) as a result of the enactment of the Next Generation 911 (NG911) Advancement Act of 2012. Final Rule, 83 FR 38051. The final rule was effective upon publication in the **Federal Register**. The regulatory text contained numbering errors in §§ 400.4 and 400.6. This correcting amendment corrects those errors.

List of Subjects in 47 CFR Part 400

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

Accordingly, 47 CFR part 400 is corrected by making the following correcting amendments:

PART 400—911 GRANT PROGRAM

■ 1. The authority citation for part 400 continues to read as follows:

Authority: 47 U.S.C. 942.

§ 400.4 [Amended]

■ 2. In § 400.4, redesignate paragraphs (b)(4) and the paragraph following it (which is incorrectly designated as (b)) as paragraphs (b)(4)(i) and (ii).

§ 400.6 [Amended]

■ 3. In § 400.6(a), redesignate the second paragraph (a)(2) as paragraph (a)(3).

Dated: August 9, 2018.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

John Donaldson,

Assistant Chief Counsel, National Highway Traffic Safety Administration.

[FR Doc. 2018–17423 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02]

RIN 0648–XG409

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2018 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish Hook-and-Line Component

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for the commercial hook-and-line component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial hook-and-line landings for golden tilefish will reach the hook-and-line component's commercial annual catch limit (ACL) on August 14, 2018. Therefore, NMFS closes the commercial hook-and-line component for golden tilefish in the South Atlantic EEZ on August 14, 2018, and it will remain closed until the start of the next fishing year on January 1, 2019. This closure is necessary to protect the golden tilefish resource.

DATES: This rule is effective at 12:01 a.m., local time, August 14, 2018, until 12:01 a.m., local time, January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *mary.vara@noaa.gov*.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Amendment 18B to the FMP established a longline endorsement program for the commercial golden tilefish component of the snapper-grouper fishery and divided the commercial golden tilefish annual catch limit (ACL) between the commercial longline and commercial hook-and-line gear components (78 FR 23858; April 23, 2013). On January 2, 2018, NMFS published a final temporary rule to implement interim measures to reduce overfishing of golden tilefish in Federal waters of the South Atlantic (83 FR 65), effective through July 1, 2018. On June 19, 2018, NMFS published an extension of the interim measures for an additional 186 days, through January 3, 2019 (83 FR 28387). As a result of the interim measures, the total ACL for golden tilefish is 323,000 lb (146,510 kg), gutted weight, and the commercial ACL is 313,310 lb (142,115 kg), gutted weight. The current golden tilefish commercial quota (ACL) for the 2018 fishing year for the hook-and-line component is 78,328 lb (35,529 kg), gutted weight, with the remainder of the commercial quota assigned to the longline group.

Under 50 CFR 622.193(a)(1)(i), NMFS is required to close the commercial hook-and-line component for golden tilefish when the hook-and-line component's commercial quota (ACL) has been reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for the golden tilefish hook-and-line component in the South Atlantic will be reached on August 14, 2018. Accordingly, the hook-and-line component of South Atlantic golden tilefish is closed effective at 12:01 a.m., local time, August 14, 2018.

The commercial longline component for South Atlantic golden tilefish closed on March 25, 2018, and will remain closed for the remainder of the fishing year, until 12:01 a.m., local time, January 1, 2019 (83 FR 12280; March 21, 2018). Therefore, because the commercial longline component is already closed, and NMFS is closing the commercial hook-and-line component through this temporary rule, all commercial fishing for South Atlantic golden tilefish will be closed effective at 12:01 a.m., local time, August 14, 2018, until 12:01 a.m., local time, January 1, 2019.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper having golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m., local time, August 14, 2018. During the closure, the sale or purchase of golden tilefish taken from the EEZ is prohibited. The prohibition on sale or purchase does not apply to the sale or purchase of golden tilefish that were harvested by hook-and-line, landed ashore, and sold prior to 12:01 a.m., local time, August 14, 2018, and were

held in cold storage by a dealer or processor. For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the sale and purchase provisions of the commercial closure for golden tilefish would apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1)(ii).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic golden tilefish and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(a)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial hook-and-line component for golden tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because the capacity of the fishing fleet allows for rapid harvest of the commercial ACL for the hook-and-line component, and there is a need to immediately implement this action to protect golden tilefish. Prior notice and opportunity for public comment would require time and could potentially result in a harvest well in excess of the established commercial ACL.

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

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

Dated: August 8, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–17388 Filed 8–9–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140902739–5224–02]

RIN 0648–XG349

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fishery; 2018 Illex Squid Quota Harvested

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

ACTION: Temporary rule; reduction of possession limit.

SUMMARY: Beginning August 15, 2018, through December 31, 2018, Federal *Illex* squid vessel permit holders are prohibited from fishing for, catching, possessing, transferring or landing more than 10,000 lb (4,535 kg) on *Illex* squid per trip per calendar day. This prohibition is effective when NMFS projects that 95 percent of the 2018 annual catch limit will have been caught by the effective date. This action is intended to prevent over harvest of *Illex* squid for the fishing year.

DATES: Effective 1200 hr local time, August 15, 2018, through December 31, 2018.

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

SUPPLEMENTARY INFORMATION: Regulations for the *Illex* squid fishery are at 50 CFR part 648. The regulations at § 648.24(a)(2) require that when the Regional Administrator projects that *Illex* squid catch will reach 95 percent of the domestic annual harvest (DAH) quota, NMFS must prohibit Federal *Illex* squid vessel permit holders from directed fishing. Vessels may not catch, possess, transfer, or land more than 10,000 lb (4,535 kg) of *Illex* squid per trip, or land more than 10,000 lb (4,535 kg) per calendar day. The Regional Administrator monitors the *Illex* squid fishery catch annually based on dealer reports, state data, and other available information. When 95 percent of the DAH has been reached, NMFS must provide at least 72 hours of notice to the public that it made this determination. NMFS must also publish the date that the catch is projected to reach 95 percent of the quota, and the date when prohibitions on catch and landings for the remainder of the fishing year become effective.

The Regional Administrator has determined, based on dealer reports and other available information, that the *Illex* squid fleet will catch 95 percent of the total *Illex* squid DAH quota for the 2018 season through December 31, 2018, by August 15, 2018. Therefore, effective 1200 hr local time, August 15, 2018, federally permitted vessels may not fish for, catch, possess, transfer, or land more than 10,000 lb (4,535 kg) of *Illex* squid more than once per calendar day. Vessels that have entered port before 1200 hr on August 15, 2018, may offload and sell more than 10,000 lb (4,535 kg) of *Illex* squid from that trip. Also, federally permitted dealers may not receive *Illex* squid from federally permitted *Illex* squid vessels that harvest more than 10,000 lb (4,535 kg) of *Illex* squid through 2400 hr, December 31, 2018, unless it is from a trip landed by a vessel that entered port before 1200 hr on August 15, 2018.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the delayed effectiveness because it would be contrary to the public interest and impracticable. Data and other information indicating the *Illex* squid fleet will have landed at least 95 percent of the 2018 DAH quota have only recently become available. Landings data are updated on a weekly basis, and NMFS monitors catch data on a daily basis as catch increases toward the limit. Further, high-volume catch and landings in this fishery increases total catch relative to the quota quickly. The regulations at § 648.24(a)(2) require such action to ensure that *Illex* squid vessels do not exceed the 2018 DAH quota. If implementation of this action is delayed, the quota for the 2018 fishing year may be exceeded, thereby undermining the conservation objectives of the FMP. Also, the public had prior notice and full opportunity to comment on this process when these provisions were put in place.

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

Dated: August 9, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–17409 Filed 8–10–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 157
Tuesday, August 14, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0708; Product Identifier 2018–NM–072–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 certain The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by reports of cracks in the skin and a certain chord at three fastener locations common to the drag link assembly at the chord. This proposed AD would require repetitive inspections of the skin under the drag link assembly for any cracks, and applicable on-condition 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 28, 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–2018–0708.

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–2018–0708; 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: Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3527; email: *alan.pohl@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–2018–0708; Product Identifier 2018–NM–072–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 cracks in the skin and the station (STA) 540 bulkhead chord at the three fastener locations common to the drag link assembly at the STA 540 bulkhead chord. The cracks were found during the accomplishment of AD 2017–02–10, Amendment 39–18789 (82 FR 10258, February 10, 2017). The crack findings indicate that fatigue stresses in this area may be higher than predicted, and current maintenance inspections do not provide adequate opportunity for cracks to be detected. Cracking in the STA 540 bulkhead chord or skin can potentially result in the inability of a primary structural element to sustain limit load. This condition, if not addressed, could result in possible rapid decompression and loss of structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1368, dated February 27, 2018. This service information describes procedures for an ultrasonic inspection of the skin under the drag link assembly and repair for any cracks; repetitive inspections for any cracks, including ultrasonic inspections, high frequency eddy current (HFEC) inspections, low frequency eddy current (LFEC) inspections, and detailed inspections; and a preventive modification if no crack is found. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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 737–53A1368, dated February 27, 2018, described previously, 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–2018–0708.

Costs of Compliance

We estimate that this proposed AD affects 1,664 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	28 work-hours × $85 per hour = $2,380 per inspection cycle.	$0	$2,380 per inspection cycle	$3,960,320 per inspection cycle.

We estimate the following costs to do any necessary on-condition actions that would be required. We have no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 56 work-hours × $85 per hour = $4,760	$24,020	Up to $28,780.

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–2018–0708; Product Identifier 2018–NM–072–AD.

(a) Comments Due Date

We must receive comments by September 27, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1368, dated February 27, 2018 (''ASB 737–53A1368'').

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracks in the skin and the station (STA) 540 bulkhead chord at the 3 fastener locations common to the drag link assembly at the STA 540 bulkhead chord. We are issuing this AD to address cracking in the STA 540 bulkhead chord or skin, which could result in the inability of a primary structural element to sustain limit load. This condition, if not addressed, could result in possible rapid decompression and loss of structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as required by paragraphs (h)(1) and (h)(2) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of ASB 737–53A1368, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the

Accomplishment Instructions of ASB 737–53A1368.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where ASB 737–53A1368 uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where ASB 737–53A1368 specifies contacting Boeing: This AD requires repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Optional Terminating Action for Repetitive Inspections

(1) Accomplishment of the repair in accordance with PART 4 of the Accomplishment Instructions of ASB 737–53A1368 terminates the repetitive inspections specified in PART 2 of ASB 737–53A1368 on the side of the airplane on which the repair was done, as required by paragraph (g) of this AD.

(2) Accomplishment of the preventive modification in accordance with PART 5 of the Accomplishment Instructions of ASB 737–53A1368 terminates the repetitive inspections specified in PART 2 or PART 6, as applicable, of ASB 737–53A1368 on the side of the airplane on which the preventive modification was done, as required by paragraph (g) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(k) Related Information

(1) For more information about this AD, contact Alan Pohl, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3527; email: *alan.pohl@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 August 5, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–17323 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0538; Product Identifier 2012–NE–47–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2017–03–02, which applies to certain Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. AD 2017–03–02 requires initial and repetitive ultrasonic inspections (UIs) of the affected low-pressure (LP) compressor blades. Since we issued AD 2017–03–02, RR issued revised service information to reduce the inspection threshold for UIs of the affected blades. This proposed AD would retain the UIs in AD 2017–03–02 while reducing the inspection threshold. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by September 28, 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 Rolls-Royce plc, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936, or email: *http://www.rolls-royce.com/contact/civil_team.jsp*. 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–2018–0538; 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 mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The 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: Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7199; email: *kevin.m.clark@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the

ADDRESSES section. Include ''Docket No. FAA–2018–0538; Product Identifier 2012–NE–47–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We issued AD 2017–03–02, Amendment 39–18793 (82 FR 10701, February 15, 2017), (''AD 2017–03–02''), for certain RR RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines with LP compressor blade, part number (P/N) FK23411, FK25441, FK25968, FW11901, FW15393, FW23643, FW23741, FW23744, KH23403, or KH23404, installed. AD 2017–03–02 requires the UIs of the affected LP compressor blades. AD 2017–03–02 resulted from revised service information to reduce the inspection threshold of the UI for the LP compressor blades. We issued AD 2017–03–02 to correct the unsafe condition on these products.

Actions Since AD 2017–03–02 Was Issued

Since we issued AD 2017–03–02, further analysis determined that the initial and repetitive inspection threshold described in Revision 3 of Rolls-Royce Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH465 must be further reduced from 2,400 cycles to 1,200 cycles. Therefore, RR issued Revision 4 of Alert NMSB RB.211–72–AH465, dated October 3, 2017. Also, since we issued AD 2017–03–02, the European Aviation Safety Agency (EASA) issued AD 2017–0241, dated December 6, 2017, which requires ultrasonic inspection of each affected LP compressor blade within the compliance time specified in Section 1.D. of RR Alert NMSB RB.211–72–AH465.

Related Service Information Under 1 CFR Part 51

We reviewed Rolls-Royce Alert NMSB RB.211–72–AH465, Revision 4, dated October 3, 2017. The Alert NMSB describes procedures for performing initial and repetitive UI of the LP compressor blades. 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.

Other Related Service Information

We also reviewed the following service information: RR NMSB RB.211–72–G702, dated May 23, 2011; RR NMSB RB.211–72–G872, Revision 2, dated March 8, 2013, or earlier revisions; RR NMSB RB.211–72–H311, dated March 8, 2013; RR Engine Manual E-Trent-1RR, Task 72–31–11–200–806; or Airbus A330 Aircraft Maintenance Manual (AMM), Tasks 72–31–41–270–801 or 72–31–41–270–802. These service documents describe the inspection procedures for the UI of the Trent 700 LP compressor blades.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2017–03–02. This proposed AD would reduce the inspection threshold for UI of the LP compressor blades from 2,400 cycles to 1,200 cycles. This proposed AD would also require accomplishing the actions specified in the service information described previously.

Differences Between the Proposed AD and the MCAI or Service Information

The compliance time of this proposed AD differs from EASA AD 2017–0241 in that, for blades with 2,400 cycles since new or cycles since last inspection on the effective date of this AD, this AD requires inspection within 30 days after the effective date of this AD. EASA AD 2017–0241 specifies that all blades must be inspected before accumulating 2,400 cycles.

Costs of Compliance

We estimate that this proposed AD affects 56 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
Inspection	44 work-hours × $85 per hour = $3,740	$0	$3,740	$209,440

This proposed AD provides updated labor cost for completing the UI of the LP compressor blades as a correction to AD 2017–03–02.

Authority for This Rulemaking

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

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

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

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the

national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2017–03–02, Amendment 39–18793 (82 FR 10701, February 15, 2017), and adding the following new AD:

Rolls-Royce plc: Docket No. FAA–2018–0538; Product Identifier 2012–NE–47–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 28, 2018.

(b) Affected ADs

This AD replaces AD 2017–03–02, Amendment 39–18793 (82 FR 10701, February 15, 2017).

(c) Applicability

This AD applies to Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines with low-pressure (LP) compressor blade, part number (P/N) FK23411, FK25441, FK25968, FW11901, FW15393, FW23643, FW23741, FW23744, KH23403, or KH23404, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by LP compressor blade partial airfoil release events that occurred in-service on RR Trent 700 engines. While released sections were contained in each case, projection of secondary debris and effects could present a potential hazard. We are issuing this AD to prevent LP compressor blade airfoil separation. The unsafe condition, if not addressed, could result in damage to the engine and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) After the effective date of this AD, perform an ultrasonic inspection (UI) of each LP compressor blade within the compliance time specified in Figure 1 to paragraph (g) of this AD, and thereafter at intervals not to exceed 1,200 cycles since last inspection (CSLI).

(2) Use the Accomplishment Instructions, paragraph 3, excluding subparagraphs 3.C.(2)(b), 3.D.(2), and 3.G.(1), of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH465, Revision 4, dated October 3, 2017, to perform the inspections required by this AD.

Figure 1 to Paragraph (g) – Compliance times

LP compressor blade cycles since new (CSN) or CSLI on the effective date of this AD	Compliance Time (CSN or CSLI, unless otherwise specified)
600 cycles or less	Before exceeding 1,200 cycles
More than 600 cycles and less than 1,800 cycles	Within 600 cycles after the effective date of this AD, not to exceed 2,400 cycles
1,800 cycles or more	Before exceeding 2,400 cycles or within 30 days after the effective date of this AD, whichever comes later.

(3) If an LP compressor blade fails the inspection required by this AD, replace the blade with a part eligible for installation, prior to return to service.

(h) Parts Installation

After the effective date of this AD, LP compressor blade, P/N FK23411, FK25441, FK25968, FW11901, FW15393, FW23643, FW23741, FW23744, KH23403, or KH23404, is eligible for installation if the LP compressor blade has not exceeded 1,200 CSN or CSLI.

(i) Credit for Previous Actions

You may take credit for the UIs required by paragraph (g) of this AD, if you performed the UIs before the effective date of this AD using the following service information: RR NMSB RB.211–72–AH465, Revision 3, dated April 27, 2017, or earlier revisions; RR NMSB RB.211–72–G702, dated May 23, 2011; RR NMSB RB.211–72–G872, Revision 2, dated March 8, 2013, or earlier revisions; RR NMSB RB.211–72–H311, dated March 8, 2013; RR Engine Manual E-Trent-1RR, Task 72–31–11–200–806; or Airbus A330 Aircraft Maintenance Manual (AMM), Tasks 72–31–41–270–801 or 72–31–41–270–802.

(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. You may email your request 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 Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7088; fax: 781–238–7199; email: *kevin.m.clark@faa.gov*.

(2) For service information identified in this AD, contact Rolls-Royce plc, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936, or email: *http://www.rolls-royce.com/contact/civil_team.jsp*. 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 August 9, 2018.

Robert J. Ganley,

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

[FR Doc. 2018–17405 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2017–0181]

RIN 1625–AA01

Anchorage Grounds; Baltimore Harbor, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its Baltimore Harbor anchorage grounds regulation. The proposed changes would reduce the size of three general anchorages, establish one new general anchorage, rename two existing general anchorages, and change the duration a vessel may remain within an anchorage for two existing general anchorages. This proposed rule would ensure that Coast Guard regulations are consistent with the U.S. Army Corps of Engineers Baltimore District Port of Baltimore Anchorages and Channels civil works project that widened the channel, and provide a higher degree of safety to persons, property and the environment by accurately depicting the anchorage locations. The proposed changes to the regulated uses of the anchorages would support current and future port activity related to the safety of post-Panamax commercial cargo vessels, and would remove vessel security provisions that currently exist in these Baltimore Harbor regulations. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before November 13, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0181 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ronald L. Houck, U.S. Coast Guard, Sector Maryland-National Capital Region, Waterways Management Division, Coast Guard; telephone (410) 576–2674, email *Ronald.L.Houck@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
E.O. Executive order
FR Federal Register
NPRM Notice of proposed rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

Anchorage regulation duties and powers were transferred to the Coast Guard in 1967 (32 FR 17726, Dec. 12, 1967). On December 12, 1968, the Fifth Coast Guard District published a final rule in the **Federal Register** (33 FR 18438) establishing an anchorage area in Baltimore Harbor, Maryland. The anchorage grounds at Baltimore, Maryland are described in 33 CFR 110.158. These anchorage grounds are involved in a federal navigation project under the jurisdiction of the U.S. Army Corps of Engineers Baltimore District. Section 101a(22) of the Water Resources Development Act of 1999 (Pub. L. 106–53, 113 Stat 269 (1999)) authorized widening of the Dundalk and Seagirt Marine Terminal channels. Widening of the Seagirt Marine Terminal channel occurred in 2015. This dredging widened the limits of existing navigation channels which are used to access key Maryland Port Administration marine terminals located immediately adjacent to the Baltimore Harbor, Maryland anchorage grounds, and put the existing anchorage grounds in the way of the newly expanded navigation channels. To addresses these changes, Sector Maryland-National Capital Region, Baltimore, Maryland, worked in coordination with the Port of Baltimore Harbor Safety and Coordination Committee to develop proposed revisions to the affected anchorage boundaries and associated regulations.

The purpose of this rulemaking is to reduce navigational safety risk and support port efficiency in Baltimore Harbor. This proposed rule would designate a new general anchorage ground developed from an existing anchorage ground that is located outside of the established navigation channel in order to align with the existing U.S. Army Corps of Engineers Baltimore District Port of Baltimore Anchorages and Channels civil works project. The Baltimore Harbor anchorage grounds are typically used by deep draft commercial cargo vessels. In order to maximize the availability and use of these important anchorages, this proposed rule would also change the duration for which vessels may remain in these anchorages. This proposed rule would reduce the duration a vessel may remain within Anchorage No. 3 Lower (proposed to be changed to Anchorage No. 3A) and Anchorage No. 4, from 72 hours to 24 hours. Lastly, due to similar provisions within the Maritime Transportation Security Act of 2002 (MTSA) (*Pub. L. 107–295*) and federal regulations (33 CFR part 104, and 46 CFR chapter 1, subchapters N and O), the vessel security requirements in § 110.158(d) are now redundant and would be removed as part of this proposed rule.

The legal basis for this rule is: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define anchorage grounds.

III. Discussion of Proposed Rule

The Coast Guard proposes to amend the Baltimore Harbor, Maryland anchorage grounds as described in 33

CFR 110.158. The general anchorages currently listed in the regulation that would be affected by this proposed rule are Anchorage No. 2, Anchorage No. 3 Upper, Anchorage No. 3 Lower, Anchorage No. 4, Anchorage No. 5 and Anchorage No. 6.

This proposed rule would reduce the sizes of Anchorage No. 2, Anchorage No. 3 Lower, and Anchorage No. 4. These reductions would remove the portions of the anchorage grounds that are in the navigable channel. The area of Anchorage No. 2 would be reduced by approximately 16,330 square yards along its northern limit and approximately 326,770 square yards along its eastern limit. The area of Anchorage No. 3 Lower would be reduced at its eastern limit by 12,560 square yards. The area of Anchorage No. 4 would be reduced at its western limit by 6,000 square yards.

This proposed rule would rename Anchorage No. 3 Lower to Anchorage No. 3A, and rename Anchorage No. 3 Upper to Anchorage No. 3B. This proposed rule would revise Anchorage No. 2 and would create an area called Anchorage No. 3C out of existing anchorage ground from Anchorage No. 2. An area within Anchorage No. 2 that is approximately 500 yards in length and 165 yards in width, and adjacent to Anchorage No. 3 Upper, would become Anchorage No. 3C. This reconfiguration does not provide new space available for anchorage, would not restrict traffic, and is located outside of the established navigation channel. A graphic depicting these changes is included in the docket.

This proposed rule would reduce the duration a vessel may remain within Anchorage No. 3 Lower (proposed to be changed to Anchorage No. 3A) and Anchorage No. 4, from 72 hours to 24 hours. These changes are based on recommendations documented by the Port of Baltimore Harbor Safety and Coordination Committee on September 8, 2010, and the Association of Maryland Pilots. The Port of Baltimore Harbor Safety and Coordination Committee's recommendation is available in the docket. The Coast Guard agrees that the Committee's recommendation addresses the problem of ensuring maximum availability and use of these anchorages. This proposed rule would establish that a vessel may remain within Anchorage No. 3C for no more than 72 hours without permission from the Captain of the Port, to remain consistent with the regulations for Anchorage No. 2.

This rulemaking rule would renumber several paragraphs listed in 33 CFR 110.158, from (a)(3) Anchorage No. 3, Upper, general anchorage, through (a)(8) Anchorage No. 7, Dead ship anchorage. All anchorage ground descriptions would be updated to state they are in the waters of the Patapsco River, except for Anchorage No. 7, Dead ship anchorage, which would be updated to state it is in the waters of Curtis Bay. Designation of the new Anchorage No. 3C would create a new paragraph, (a)(9) for Anchorage No. 7, Dead ship anchorage. This rulemaking would modify paragraph (c)(3) of the general regulations to remove the reference to a vessel becoming ''a menace'' because we do not define that term and we don't believe it is needed given other factors already included in that paragraph. We also propose to change the defined term ''dangerous cargo'' to ''certain dangerous cargo'' without changing the definition, continuing to incorporate the definition of certain dangerous cargo from 33 CFR 160.202, and aligning terminology used in this proposed rule with that used throughout the rest of 33 CFR 110.158. This rulemaking would remove paragraphs (c)(4) regarding revocable permits for habitual use of an anchorage, and paragraph (d) in their entirety for reasons stated earlier.

The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s.

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.

The Coast Guard has determined this proposed rule is not a significant regulatory action because it would not interfere with existing maritime activity in Baltimore Harbor. Moreover, the proposed changes would reduce navigational safety risk in Baltimore Harbor by: (1) Aligning existing general anchorage boundaries with recent dredging projects that widened the limits of adjacent navigational channels, (2) reducing the duration a vessel may remain within an anchorage to increase availability and usage, and (3) renaming and reconfiguring general anchorages that support a proper naming and numbering convention within the existing anchorage regulation. The reconfiguration of the additional general anchorage does not provide additional anchorage area and would not restrict traffic, as it is developed from an existing anchorage and is located outside of the established navigation channel. As discussed in section III above, this proposed rule would replace the ''dangerous cargo'' definition with one for ''certain dangerous cargo'' and remove vessel security provisions that are redundant to other federal regulations.

B. Impact on Small Entities

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

For the reasons stated in paragraph IV.A above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the modification of existing anchorages within the Baltimore Harbor, Maryland anchorage grounds. Normally such actions are categorically excluded from further review under paragraph L59(a) and (b) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 110

Anchorage Grounds.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2071; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 110.158 to read as follows:

§ 110.158 Baltimore Harbor, MD.

(a) *Anchorage Grounds*—(1) *No. 1, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°15′13.51″ N	76°34′07.76″ W
39°15′11.01″ N	76°34′11.69″ W
39°14′52.98″ N	76°33′52.67″ W
39°14′47.90″ N	76°33′40.73″ W

These coordinates are based on North American Datum 83 (NAD 83).

(ii) No vessel shall remain in this anchorage for more than 12 hours without permission from the Captain of the Port.

(2) *Anchorage No. 2, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°14′50.06″ N	76°33′29.86″ W
39°14′57.53″ N	76°33′37.74″ W
39°15′08.56″ N	76°33′37.66″ W
39°15′15.77″ N	76°33′28.81″ W
39°15′18.87″ N	76°33′12.82″ W
39°15′17.71″ N	76°33′09.09″ W
39°14′50.35″ N	76°32′40.43″ W
39°14′45.28″ N	76°32′48.68″ W
39°14′46.27″ N	76°32′49.69″ W
39°14′43.76″ N	76°32′53.63″ W
39°14′57.51″ N	76°33′08.14″ W
39°14′55.60″ N	76°33′11.14″ W
39°14′59.42″ N	76°33′15.17″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(3) *Anchorage No. 3A, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°14′15.66″ N	76°32′53.59″ W
39°14′32.48″ N	76°33′11.31″ W
39°14′46.27″ N	76°32′49.69″ W
39°14′32.50″ N	76°32′35.18″ W
39°14′22.37″ N	76°32′43.07″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 24 hours without permission from the Captain of the Port.

(4) *Anchorage No. 3B, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°14′32.48″ N	76°33′11.31″ W
39°14′46.23″ N	76°33′25.83″ W
39°14′57.51″ N	76°33′08.14″ W
39°14′43.76″ N	76°32′53.63″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 24 hours without permission from the Captain of the Port.

(5) *Anchorage No. 3C, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°14′46.23″ N	76°33′25.83″ W
39°14′50.06″ N	76°33′29.86″ W
39°14′59.42″ N	76°33′15.17″ W
39°14′55.60″ N	76°33′11.14″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(6) *Anchorage No. 4, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°13′52.92″ N	76°32′29.60″ W
39°14′04.38″ N	76°32′41.69″ W
39°14′09.35″ N	76°32′39.89″ W
39°14′17.96″ N	76°32′26.44″ W
39°14′05.32″ N	76°32′13.09″ W
39°14′00.05″ N	76°32′17.77″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 24 hours without permission from the Captain of the Port.

(7) *Anchorage No. 5, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°14′07.89″ N	76°32′58.23″ W
39°13′34.82″ N	76°32′23.66″ W
39°13′22.25″ N	76°32′28.90″ W
39°13′21.20″ N	76°33′11.94″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(8) *Anchorage No. 6, general anchorage.* (i) All waters of the Patapsco River, bounded by a line connecting the following points:

Latitude	Longitude
39°13′42.98″ N	76°32′19.11″ W
39°13′20.65″ N	76°31′55.58″ W
39°13′34.00″ N	76°31′33.50″ W
39°14′01.95″ N	76°32′02.65″ W
39°13′51.01″ N	76°32′18.71″ W

These coordinates are based on NAD 83.

(ii) No vessel shall remain in this anchorage for more than 72 hours without permission from the Captain of the Port.

(9) *Anchorage No. 7, Dead ship anchorage.* (i) All waters of Curtis Bay, bounded by a line connecting the following points:

Latitude	Longitude
39°13′00.40″ N	76°34′10.40″ W
39°13′13.40″ N	76°34′10.81″ W
39°13′13.96″ N	76°34′05.02″ W
39°13′14.83″ N	76°33′29.80″ W
39°13′00.40″ N	76°33′29.90″ W

These coordinates are based on NAD 83.

(ii) The primary use of this anchorage is to lay up dead ships. Such use has priority over other uses. Permission from the Captain of the Port must be obtained prior to the use of this anchorage for more than 72 hours.

(b) *Definitions.* As used in this section—

Certain dangerous cargo means *certain dangerous cargo* as defined in § 160.202 of this chapter.

COTP means Captain of the Port Sector Maryland—National Capital Region.

(c) *General regulations.* (1) Except as otherwise provided, this section applies to vessels over 20 meters long and all vessels carrying or handling certain dangerous cargo while anchored in an anchorage ground described in this section.

(2) Except in cases where unforeseen circumstances create conditions of imminent peril, or with the permission of the Captain of the Port, no vessel shall be anchored in Baltimore Harbor or the Patapsco River outside of the anchorage areas established in this section for more than 24 hours. No vessel shall anchor within a tunnel, cable or pipeline area shown on a government chart. No vessel shall be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to extend into established channel limits. No vessel shall be positioned so as to obstruct or endanger the passage of any other vessel.

(3) Except in an emergency, a vessel that is likely to sink or otherwise become an obstruction to navigation or the anchoring of other vessels may not occupy an anchorage, unless the vessel obtains permission from the Captain of the Port.

(4) Upon notification by the Captain of the Port to shift its position, a vessel at anchor must get underway and shall move to its new designated position within two hours after notification.

(5) The Captain of the Port may prescribe specific conditions for vessels anchoring within the anchorages described in this section, including, but not limited to, the number and location of anchors, scope of chain, readiness of engineering plant and equipment, usage of tugs, and requirements for maintaining communication guards on selected radio frequencies.

(6) No vessel at anchor or at a mooring within an anchorage may transfer oil to or from another vessel unless the vessel has given the Captain of the Port the four hours advance notice required by § 156.118 of this chapter.

(7) No vessel shall anchor in a ''dead ship'' status (propulsion or control unavailable for normal operations) without prior approval of the Captain of the Port.

Dated: August 1, 2018.

Meredith L. Austin,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2018–17469 Filed 8–13–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 600 and 668

[Docket ID ED–2018–OPE–0042]

RIN 1840–AD31

Program Integrity: Gainful Employment

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to rescind the gainful employment (GE) regulations, which added to the Student Assistance General Provisions

requirements for programs that prepare students for gainful employment in a recognized occupation. The Department plans to update the College Scorecard, or a similar web-based tool, to provide program-level outcomes for all higher education programs, at all institutions that participate in the programs authorized by title IV of the Higher Education Act of 1965, which would improve transparency and inform student enrollment decisions through a market-based accountability system.

DATES: We must receive your comments on or before September 13, 2018.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the proposed regulations, address them to Ashley Higgins, U.S. Department of Education, 400 Maryland Ave. SW, Mail Stop 294–20, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Scott Filter, U.S. Department of Education, 400 Maryland Ave. SW, Room 290–42, Washington, DC 20024. Telephone: (202) 453–7249. Email: *scott.filter@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Executive Summary:

Purpose of This Regulatory Action:

As discussed in more detail later in this notice of proposed rulemaking (NPRM), the proposed regulations would rescind the GE regulations and remove them from subpart Q of the Student Assistance and General Provisions in 34 CFR part 668.

We base our proposal to rescind the GE regulations on a number of findings, including research results that undermine the validity of using the regulations' debt-to-earnings (D/E) rates measure to determine continuing eligibility for participation in the programs authorized by title IV of the Higher Education Act of 1965, as amended (title IV, HEA programs). These findings were not accurately interpreted during the development of the 2014 GE regulations, were published subsequent to the promulgation of those regulations, or were presented by committee members at negotiated rulemaking sessions. The Department has also determined that the disclosure requirements included in the GE regulations are more burdensome than originally anticipated and that a troubling degree of inconsistency and potential error exists in job placement rates reported by GE programs that could mislead students in making an enrollment decision. Additionally, the Department has received consistent feedback from the community that the GE regulations were more burdensome than previously anticipated through the disclosure and reporting requirements that were promulgated in 2014.

Finally, the Department has determined that in order to adequately inform student enrollment choices and create a framework that enables students, parents, and the public to hold institutions of higher education accountable, program-level outcomes data should be made available for all title IV-participating programs. The Department plans to publish these data using the College Scorecard, or its successor site, so that students and parents can compare the institutions and programs available to them and make informed enrollment and borrowing choices. However, the College Scorecard is not the subject of this regulation. For a more detailed discussion, see *Significant Proposed Regulations*.

Section 410 of the General Education Provisions Act (GEPA) authorizes the Secretary to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operations of, and governing the applicable programs administered by, the Department (20 U.S.C. 1221e–3). Additionally, section 414 of the Department of Education Organization Act authorizes the Secretary to prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department (20 U.S.C. 3474).

Summary of the Major Provisions of This Regulatory Action: As discussed under ''Purpose of This Regulatory Action,'' the proposed regulations would rescind the GE regulations. Please refer to the *Summary of Proposed Changes* section of this NPRM for more details on the major provisions contained in this NPRM.

Costs and Benefits: As further detailed in the *Regulatory Impact Analysis,* the benefits of the proposed regulations would include a reduction in burden for some institutions, costs in the form of transfers as a result of more students being able to enroll in a postsecondary program, and more educational program choices for students where they can use title IV aid.

Invitation to Comment: We invite you to submit comments regarding these proposed regulations.

To ensure that your comments have maximum effect in developing the final regulations, we urge you to identify clearly the specific section or sections of the proposed regulations that each of your comments addresses, and provide relevant information and data whenever possible, even when there is no specific solicitation of data and other supporting materials in the request for comment. We also urge you to arrange your comments in the same order as the proposed regulations. Please do not submit comments that are outside the scope of the specific proposals in this NPRM, as we are not required to respond to such comments.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about the proposed regulations by accessing *Regulations.gov*. You may also inspect the comments in person at 400 Maryland Ave. SW, Washington, DC, between 8:30 a.m. and 4 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. To schedule a time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the

Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed regulations. To schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

The Secretary proposes to amend parts 600 and 668 of title 34 of the Code of Federal Regulations (CFR). The regulations in 34 CFR parts 600 and 668 pertain to institutional eligibility under the Higher Education Act of 1965, as amended (HEA), and participation in title IV, HEA programs. We propose these amendments to remove the GE regulations, including the D/E rates calculations and the sanctions and alternate earnings appeals related to those calculations for GE programs, as well as the reporting, disclosure, and certification requirements applicable to GE programs.

The Department seeks public comment on whether the Department should amend 34 CFR 668.14 to require, as a condition of the Program Participation Agreement, that institutions disclose, on the program pages of their websites and in their college catalogues that, if applicable, the program meets the requirements for licensure in the State in which the institution is located and whether it meets the requirements in any other States for which the institution has determined whether the program enables graduates to become licensed or work in their field; net-price, completion rates, withdrawal rates, program size, and/or any other items currently required under the GE disclosure regulations. The Department also asks whether it should require institutions to provide links from each of its program pages to *College Scorecard,* its successor site, or any other tools managed by the Department.

Public Participation

On June 16, 2017, we published a notice in the **Federal Register** (82 FR 27640) announcing our intent to establish a negotiated rulemaking committee under section 492 of the HEA to develop proposed regulations to revise the GE regulations published by the Department on October 31, 2014 (79 FR 64889). We also announced two public hearings at which interested parties could comment on the topics suggested by the Department and propose additional topics for consideration for action by the negotiated rulemaking committee. The hearings were held on—

July 10, 2017, in Washington, DC; and

July 12, 2017, in Dallas, TX.

Transcripts from the public hearings are available at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2017/index.html*.

We also invited parties unable to attend a public hearing to submit written comments on the proposed topics and to submit other topics for consideration. Written comments submitted in response to the June 16, 2017, **Federal Register** notice may be viewed through the Federal eRulemaking Portal at *www.regulations.gov,* within docket ID ED–2017–OPE–0076. Instructions for finding comments are also available on the site under ''Help.''

Negotiated Rulemaking

Section 492 of the HEA, 20 U.S.C. 1098a, requires the Secretary to obtain public involvement in the development of proposed regulations affecting programs authorized by title IV of the HEA. After obtaining extensive input and recommendations from the public, including individuals and representatives of groups involved in the title IV, HEA programs, the Secretary in most cases must subject the proposed regulations to a negotiated rulemaking process. If negotiators reach consensus on the proposed regulations, the Department agrees to publish without alteration a defined group of regulations on which the negotiators reached consensus unless the Secretary reopens the process or provides a written explanation to the participants stating why the Secretary has decided to depart from the agreement reached during negotiations. Further information on the negotiated rulemaking process can be found at: *www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html*.

On August 30, 2017, the Department published a notice in the **Federal Register** (82 FR 41197) announcing its intention to establish two negotiated rulemaking committees and a subcommittee to prepare proposed regulations governing the Federal Student Aid programs authorized under title IV of the HEA. The notice set forth a schedule for the committee meetings and requested nominations for individual negotiators to serve on the negotiating committee.

The Department sought negotiators to represent the following groups: Two-year public institutions; four-year public institutions; accrediting agencies; business and industry; chief financial officers (CFOs) and business officers; consumer advocacy organizations; financial aid administrators; general counsels/attorneys and compliance officers; legal assistance organizations that represent students; minority-serving institutions; private, proprietary institutions with an enrollment of 450 students or less; private, proprietary institutions with an enrollment of 451 students or more; private, non-profit institutions; State higher education executive officers; State attorneys general and other appropriate State officials; students and former students; and groups representing U.S. military service members or veteran Federal student loan borrowers. The Department considered the nominations submitted by the public and chose negotiators who would represent the various constituencies.

The negotiating committee included the following members:

Laura Metune, California Community Colleges, and Matthew Moore (alternate), Sinclair Community College, representing two-year public institutions.

Pamela Fowler, University of Michigan-Ann Arbor, and Chad Muntz (alternate), The University System of Maryland, representing four-year public institutions.

Anthony Mirando, National Accrediting Commission of Career Arts and Sciences, and Mark McKenzie (alternate), Accreditation Commission for Acupuncture and Oriental Medicine, representing accrediting agencies.

Roberts Jones, Education & Workforce Policy, and Jordan Matsudaira (alternate), Urban Institute and Cornell University, representing business and industry.

Sandy Sarge, SARGE Advisors, and David Silverman (alternate), The American Musical and Dramatic Academy, representing CFOs and business officers.

Whitney Barkley-Denney, Center for Responsible Lending, and Jennifer Diamond (alternate), Maryland Consumer Rights Coalition, representing consumer advocacy organizations.

Kelly Morrissey, Mount Wachusett Community College, and Andrew Hammontree (alternate), Francis Tuttle Technology Center, representing financial aid administrators.

Jennifer Blum, Laureate Education, Inc., and Stephen Chema (alternate), Ritzert & Layton, PC, representing general counsels/attorneys and compliance officers.

Johnson M. Tyler, Brooklyn Legal Services, and Kirsten Keefe (alternate), Empire Justice Center, representing legal

assistance organizations that represent students.

Thelma L. Ross, Prince George's Community College, and John K. Pierre (alternate), Southern University Law Center, representing minority-serving institutions.

Jessica Barry, School of Advertising Art, and Neal Heller (alternate), Hollywood Institute of Beauty Careers, representing private, proprietary institutions with an enrollment of 450 students or less.

Jeff Arthur, ECPI University, and Marc Jerome (alternate), Monroe College, representing private, proprietary institutions with an enrollment of 451 students or more.

C. Todd Jones, Association of Independent Colleges & Universities in Ohio, and Tim Powers (alternate), National Association of Independent Colleges and Universities, representing private, non-profit institutions.

Christina Whitfield, State Higher Education Executive Officers Association, representing State higher education executive officers.

Christopher Madaio, Office of the Attorney General of Maryland, and Ryan Fisher (alternate), Office of the Attorney General of Texas, representing State attorneys general and other appropriate State officials.

Christopher Gannon, United States Student Association, and Ahmad Shawwal (alternate), University of Virginia, representing students and former students.

Daniel Elkins, Enlisted Association of the National Guard of the United States, and John Kamin (alternate), The American Legion's National Veterans Employment & Education Division, representing groups representing U.S. military service members or veteran Federal student loan borrowers.

Gregory Martin, U.S. Department of Education, representing the Department.

The negotiated rulemaking committee met to develop proposed regulations on December 4–7, 2017, February 5–8, 2018, and March 12–15, 2018.

At its first meeting, the negotiating committee reached agreement on its protocols and proposed agenda. The protocols provided, among other things, that the committee would operate by consensus. Consensus means that there must be no dissent by any member in order for the committee to have reached agreement. Under the protocols, if the committee reached a final consensus on all issues, the Department would use the consensus-based language in its proposed regulations. Furthermore, the Department would not alter the consensus-based language of its proposed regulations unless the Department reopened the negotiated rulemaking process or provided a written explanation to the committee members regarding why it decided to depart from that language.

During the first meeting, the negotiating committee agreed to negotiate an agenda of eight issues related to student financial aid. These eight issues were: Scope and purpose, gainful employment metrics (later renamed debt-to-earnings metrics), debt calculations, sanctions, alternate earnings appeals, program disclosures, reporting requirements, and certification requirements. Under the protocols, a final consensus would have to include consensus on all eight issues.

During committee meetings, the committee reviewed and discussed the Department's drafts of regulatory language and the committee members' alternative language and suggestions. At the final meeting on March 15, 2018, the committee did not reach consensus on the Department's proposed regulations. For this reason, and according to the committee's protocols, all parties who participated or were represented in the negotiated rulemaking and the organizations that they represent, in addition to all members of the public, may comment freely on the proposed regulations. For more information on the negotiated rulemaking sessions, please visit: *https://www2.ed.gov/policy/highered/reg/hearulemaking/2017/gainfulemployment.html*.

Data Correction

During the third meeting of the negotiated rulemaking committee, the Department provided negotiators with a number of scatterplots in response to a request from several negotiators to compare student loan repayment rates between Pell Grant recipients and students who did not receive a Pell Grant at individual institutions. The Department incorrectly concluded that the repayment rate between Pell Grant recipients and Pell Grant non-recipients at all institutions was 1:1. While the repayment rates of Pell Grant recipients and non-recipients are correlated, there is not a 1:1 relationship between them. The Department's analysis shows the difference between the repayment rates of Pell Grant recipients and non-recipients is about 20 percentage points on average. At institutions with low repayment rates among all students, the gap between Pell Grant recipients and non-recipients is relatively higher. The gap shrinks among institutions with very high overall repayment rates; however, many of these institutions serve small proportions of Pell Grant recipients and are highly selective institutions (based on mean SAT math scores). The negotiators have been informed of the earlier error and the updated scatterplots are available on the Department's GE negotiated rulemaking website.

Summary of Proposed Changes

The proposed regulations would rescind the GE regulations in subpart Q of 34 CFR part 668, which establish the eligibility requirements for a program that prepares students for gainful employment in a recognized occupation, including the D/E rates measures, alternate earnings appeals, reporting and disclosure requirements, and certifications.

Significant Proposed Regulations

We group major issues according to subject. We discuss other substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory provisions that are technical or otherwise minor in effect.

Origin and Purpose of the Gainful Employment Regulations

The definition of ''gainful employment'' established in the 2014 regulations created a new metric that established bright-line standards for a GE program's continuing participation in title IV, HEA programs.

The GE regulations establish a methodology for calculating mean D/E rates for programs that prepare students for gainful employment in a recognized occupation. The GE regulations also establish a range of acceptable D/E rates programs must maintain in order to retain eligibility to participate in the title IV, HEA programs. GE programs include non-degree programs at public and non-profit institutions and all programs (including undergraduate, graduate, and professional degree programs) at proprietary institutions.

Under the regulations, GE programs must have a graduate debt-to-discretionary earnings ratio of less than or equal to 20 percent or debt-to-annual earnings ratio of less than or equal to 8 percent to receive an overall passing rate. Programs with both a discretionary earnings rate greater than 30 percent (or a negative or zero denominator) and an annual earnings rate greater than 12 percent (or a zero denominator) receive an overall failing rate. Programs that fail the D/E rates measure for two out of three consecutive years lose title IV eligibility. Non-passing programs that have debt-to-discretionary income ratios greater than 20 percent and less than or equal to 30 percent or debt-to-annual income ratios greater than 8 percent and

less than or equal to 12 percent are considered to be in the ''zone.'' Programs with a combination of zone or failing overall rates for four consecutive years lose title IV eligibility.

The first D/E rates were published in 2017, and the Department's analysis of those rates raises concern about the validity of the metric and how it affects the opportunities for Americans to prepare for high-demand occupations in the healthcare, hospitality, and personal services industries, among others. At a time when 6 million jobs remain unfilled due to the lack of qualified workers,[1] the Department is re-evaluating the wisdom of a regulatory regime that creates additional burden for, and restricts, programs designed to increase opportunities for workforce readiness. We further believe the GE regulations reinforce an inaccurate and outdated belief that career and vocational programs are less valuable to students and less valued by society, and that these programs should be held to a higher degree of accountability than traditional two- and four-year degree programs that may have less market value.

Research Findings That Challenge the Accuracy and Validity of the D/E Rates Measure

In promulgating the 2011 and 2014 regulations, the Department cited as justification for the 8 percent D/E rates threshold a research paper published in 2006 by Baum and Schwartz that described the 8 percent threshold as a commonly utilized mortgage eligibility standard.[2] However, the Baum & Schwartz paper makes clear that the 8 percent mortgage eligibility standard ''has no particular merit or justification'' when proposed as a benchmark for manageable student loan debt.[3] The Department previously dismissed this statement by pointing to Baum and Schwartz's acknowledging the ''widespread acceptance'' of the 8 percent standard and concluding that it is ''not unreasonable.'' 79 FR 64889, 64919. Upon further review, we believe that the recognition by Baum and Schwartz that the 8 percent mortgage eligibility standard ''has no particular merit or justification'' when proposed as a benchmark for manageable student loan debt is more significant than the Department previously acknowledged and raises questions about the reasonableness of the 8 percent threshold as a critical, high-stakes test of purported program performance.

Research published subsequent to the promulgation of the GE regulations adds to the Department's concern about the validity of using D/E rates as to determine whether or not a program should be allowed to continue to participate in title IV programs. As noted in the 2014 proposed rule, the Department believed that an improvement of quality would be reflected in the program's D/E rates (79 FR 16444). However, the highest quality programs could fail the D/E rates measure simply because it costs more to deliver the highest quality program and as a result the debt level is higher.

Importantly, the HEA does not limit title IV aid to those students who attend the lowest cost institution or program. On the contrary, because the primary purpose of the title IV, HEA programs is to ensure that low-income students have the same opportunities and choices in pursuing higher education as their higher-income peers, title IV aid is awarded based on the institution's actual cost of attendance, rather than a fixed tuition rate that limits low-income students to the lowest cost institutions.[4]

Other research findings suggest that D/E rates-based eligibility creates unnecessary barriers for institutions or programs that serve larger proportions of women and minority students. Such research indicates that even with a college education, women and minorities, on average, earn less than white men who also have a college degree, and in many cases, less than white men who do not have a college degree.[5]

Disagreement exists as to whether this is due to differences in career choices across subgroups, time out of the workforce for childcare responsibilities, barriers to high-paying fields that disproportionately impact certain groups, or the interest of females or minority students in pursuing careers that pay less but enable them to give back to their communities. Regardless of the cause of pay disparities, the GE regulations could significantly disadvantage institutions or programs that serve larger proportions of women and minority students and further reduce the educational options available to those students.

It is also important to highlight the importance of place in determining which academic programs are available to students. A student may elect to enroll in a program that costs more simply because a lower-cost program is too far from home or work or does not offer a schedule that aligns with the student's work or household responsibilities. The average first-time undergraduate student attending a two-year public institution enrolls at an institution within eight miles of his or her home. The distance increases to 18 miles for the average first-time undergraduate student enrolling at a four-year public institution.[6] Accordingly, we believe that while it is important for a student to know that a program could result in higher debt, it is not appropriate to eliminate the option simply because a lower-cost program exists, albeit outside of the student's reasonable travel distance. In the same way that title IV programs enable traditional students to select the more expensive option simply because of the amenities an institution offers, or its location in the country, they should similarly enable adult learners to select the more expensive program due to its convenience, its more personalized environment, or its better learning facilities. We support providing more information to students and parents that enables them to compare the outcomes achieved by graduates of the programs available to them. However, due to a number of concerns with the calculation and relevance of the debt level included in the rates we do not believe that the D/E rates measure achieves a level of accuracy that it should alone determine whether or not a program can participate in title IV programs.

While the Department denied the impact of these other factors in the 2014 GE regulations, it now recognizes a number of errors included in its prior analysis. For example, in the 2014 final rule (79 FR 64889, 65041–57), the Department stated that changes in economic outlook would not cause a program to fail the D/E rates measure or remain in the zone for four years. This conclusion was based on the finding that the average recession lasted for 11.1 months, which would not be long enough to impact a program's outcomes

[1] U.S. Department of Labor—Bureau of Labor Statistics. (July 10, 2018). Economic News Release: Job Openings and Labor Turnover Summary. Available at *www.bls.gov/news.release/jolts.nr0.htm.*

[2] Baum, S. & Schwartz, S. *How Much Debt is Too Much? Defining Benchmarks for Manageable Student Debt.* College Board, 2008. Available at *https://files.eric.ed.gov/fulltext/ED562688.pdf.*

[3] Ibid.

[4] Gladieux, L. *Federal Student Aid Policy: A History and an Assessment.* Financing Postsecondary Education: The Federal Role. October 1995. Available at *https://www2.ed.gov/offices/OPE/PPI/FinPostSecEd/gladieux.html.*

[5] Ma, J., Pender, M. & Welch, M. *Education Pays 2016: The Benefits of Higher Education for Individuals and* Society, CollegeBoard, 2016. Fig. 2.4.

[6] Hillman, N. & Weichman, T. *Education Deserts: The Continued Significance of ''Place'' in the Twenty-First Century,* American Council on Education, 2016. Available at *www.acenet.edu/news-room/Pages/CPRS-Viewpoints-Education-Deserts.aspx.*

for the number of years required to go from ''zone'' to failing. However, the Great Recession lasted for well over two years, and was followed by an extended ''jobless'' recovery, which would have significantly impacted debt and earnings outcomes for a period of time that would have exceeded the zone period, had the GE regulations been in place during that period.[7] The Great Recession had an unusually profound impact on recent college graduates, who were underemployed at an historic rate, meaning that graduates were working in jobs that prior to the Great Recession did not require a college credential.[8] The Department concedes that an extended recession coupled with rampant underemployment, could have a significant impact on a program's D/E rates for a period of time that would span most or all of the zone period. Underemployment during the Great Recession was not limited to the graduates of GE programs, but included graduates of all types of institutions, including elite private institutions.[9]

The GE regulations were intended to address the problem of programs that are supposed to provide training that prepares students for gainful employment in a recognized occupation, but were leaving students with unaffordable levels of loan debt compared to the average program earnings (79 FR 16426). However, the Department believes there are other tools now available to enable students with lower incomes to manage high levels of debt. While the existence of income-driven repayment plans does not address the high cost of college—and, in fact, could make it even easier for students to borrow more than they need and institutions to charge high prices—the Department's plans to increase transparency will help address these issues. Furthermore, the increased availability of these repayment plans with longer repayment timelines is inconsistent with the repayment assumptions reflected in the shorter amortization periods used for the D/E rates calculation in the GE regulations.

In addition, a program's D/E rates can be negatively affected by the fact that it enrolls a large number of adult students who have higher Federal borrowing limits, thus higher debt levels, and may be more likely than a traditionally aged student to seek part-time work after graduation in order to balance family and work responsibilities. The Department recognizes that it is inappropriate to penalize institutions simply because the students they serve take advantage of the higher borrowing capacity Congress has made available to those borrowers. It is also inappropriate to penalize institutions because students seek part-time work rather than full-time work, or are building their own businesses, which may result in lower earnings early on. Regardless of whether students elect to work part-time or full-time, the cost to the institution of administering the program is the same, and it is the cost of administering the program that determines the cost of tuition and fees. In general, programs that serve large proportions of adult learners may have very different outcomes from those that serve large proportions of traditionally aged learners, and yet the D/E rates measure fails to take any of these important factors into account.

Most importantly, the first set of D/E rates, published in 2016, revealed that D/E rates, and particularly earnings, vary significantly from one occupation to the next, and across geographic regions within a single occupation. The Department had not predicted such substantial differences in earnings due to geography, which may have been exacerbated by the Great Recession and the speed with which individual States reduced their unemployment rate.

While the Department intended for D/E rates to serve as a mechanism for distinguishing between high- and low-performing programs, data discussed during the third session of the most recent negotiated rulemaking demonstrated that even a small change in student loan interest rates could shift many programs from a ''passing'' status to ''failing,'' or vice versa, even if nothing changed about the programs' content or student outcomes. The Department believes that examples such as that illustrated here should be corrected and our justifications in the 2014 GE regulation did not adequately take these nuances into account sufficiently. Table 1 shows how changes in interest rate would affect outcomes under the D/E rates measure. For example, if the interest rate is seven percent, 831 programs would fail compared to only 716 programs if the interest rate is six percent.

TABLE 1—NUMBER AND PERCENTAGE OF GE 2015 PROGRAMS THAT WOULD PASS, FAIL, OR FALL INTO THE ZONE USING DIFFERENT INTEREST RATES [10]

Interest rate (%)	Number of programs			Percentage of programs		
	Pass	Zone	Fail	Pass	Zone	Fail
3	7,199	998	440	83	12	5
4	7,030	1,085	522	81	13	6
5	6,887	1,135	615	80	13	7
6	6,720	1,201	716	78	14	8
7	6,551	1,255	831	76	15	10
8	6,326	1,353	958	73	16	11

Source: Department analysis of GE 2015 rates.

The Department agrees with a statement made by a negotiator that any metric that could render a program ineligible to participate in title IV, HEA programs simply because the economy is strong and interest rates rise is faulty. The Department believes that it is during these times of economic growth, when demand for skilled workers is greatest, that it is most critical that shorter-term career and technical programs are not unduly burdened or eliminated.

In addition, the Department now recognizes that assigning a 10-year amortization period to graduates of

[7] *www.federalreservehistory.org/essays/great_recession_of_200709.*

[8] Abel, Jaison & Deitz, Richard. Underemployment in the Early Career of College Graduates Following the Great Recession, Working Paper No. 22654, National Bureau of Economic Research, September 2016. Available at *www.nber.org/papers/w22654.*

[9] *https://money.cnn.com/2011/05/17/news/economy/recession_lost_generation/index.htm.*

[10] The count of programs includes programs that had preliminary rates calculated, but were not designated with an official pass, zone, or fail status due to reaccreditation and reinstatements of eligibility during the validation process of establishing D/E rates.

certificate and associate degree programs for the purpose of calculating D/E rates creates an unacceptable and unnecessary double standard since the REPAYE plan regulations promulgated in 2015 provide a 20-year amortization period for these same graduates. The REPAYE plan acknowledges that undergraduate completers may well need to extend payments over a longer amortization period, and makes it clear that extended repayment periods are an acceptable and reasonable way to help students manage their repayment obligations. Therefore, it is not appropriate to use an amortization period of less than 20 years for any undergraduate program D/E rates calculations or of less than 25 years for any graduate program D/E rates calculations.

Concerns About Disclosures Required Under the GE Regulations

As the Department is proposing to rescind the GE regulations in total, the disclosures required under the current regulations also would be rescinded. Generally, we are concerned that it is not appropriate to require these types of disclosures for only one type of program when such information would be valuable for all programs and institutions that receive title IV, HEA funds. However, we cannot expand the GE regulations to include programs that are not GE programs. In that regard, as indicated above, we are interested in comments on whether the Department should require that all institutions disclose information, such as net price, program size, completion rates, and accreditation and licensing requirements, on their program web pages, or if doing so is overly burdensome for institutions.

The Department has also discovered a variety of challenges and errors associated with the disclosures required under the GE regulations. For example, there is significant variation in methodologies used by institutions to determine and report in-field job placement rates, which could mislead students into choosing a lower performing program that simply appears to be higher performing because a less rigorous methodology was employed to calculate in-field job placement rates.

In some cases, a program is not required to report job placement outcomes because it is not required by its accreditor or State to do so. In other cases, GE programs at public institutions in some States (such as community colleges in Colorado) define an in-field job placement for the purpose of the GE disclosure as any job that pays a wage, regardless of the field in which the graduate is working. Meanwhile, institutions accredited by the Accrediting Commission of Career Schools and Colleges must consider the alignment between the job and the majority of the educational and training objectives of the program, which can be a difficult standard to meet since educational programs are designed to prepare students broadly for the various jobs that may be available to them, but jobs are frequently more narrowly defined to meet the needs of a specific employer.[11]

The original 2011 GE regulations required NCES to ''develop a placement rate methodology and the processes necessary for determining and documenting student employment.'' [12] This requirement arose out of negotiator concerns about the complexity and subjectivity of the many job placement definitions used by States, institutional accreditors, programmatic accreditors and institutions themselves to evaluate outcomes. The Department convened a Technical Review Panel (TRP), but in 2013 the TRP reported that not only were job placement determinations ''highly subjective'' in nature, but that the TRP could not come to consensus on a single, acceptable definition of a job placement that could be used to report this outcome on GE disclosures, nor could it identify a reliable data source to enable institutions to accurately determine and report job placement outcomes.[13] In light of the failure of the TRP to develop a consistent definition of a job placement, and well-known instances of intentional or accidental job placement rate misrepresentations, the Department believes it would be irresponsible to continue requiring institutions to report job placement rates. Instead, the Department believes that program-level earnings data that will be provided by the Secretary through the College Scorecard or its successor is the more accurate and reliable way to report job outcomes in a format that students can use to compare the various institutions and programs they are considering.

The Department also believes that it underestimated the burden associated with distributing the disclosures directly to prospective students. In 2018, the Department announced that it was allowing institutions additional time to meet the requirement in § 668.412(e) to directly distribute the disclosure template to prospective students, as well as the requirement in § 668.412(d) to include the disclosure template or a link thereto in program promotional materials, pending negotiated rulemaking (82 FR 30975; 83 FR 28177). A negotiator representing financial aid officials confirmed our concerns, stating that large campuses, such as community colleges that serve tens of thousands of students and are in contact with many more prospective students, would not be able to, for example, distribute paper or electronic disclosures to all the prospective students in contact with the institution. Although in decades past, institutions may have included these materials in the packets mailed to a prospective student's home; many institutions no longer mail paper documents, and instead rely on web-based materials and electronic enrollment agreements. The Department notes that § 668.412(e) requires that disclosures be made only to a prospective student before that individual signs an enrollment agreement, completes registration, or makes a financial commitment to the institution and that the institution may provide the disclosure to the student by hand-delivering the disclosure template to the prospective student or sending the disclosure template to the primary email address used by the institution for communicating with the prospective student. However, ED recognizes that even this requirement has an associated burden, especially since institutions are required to retain documentation that each student acknowledges that they have received the disclosure. The Department believes that the best way to provide disclosures to students is through a data tool that is populated with data that comes directly from the Department, and that allows prospective students to compare all institutions through a single portal, ensuring that important consumer information is available to students while minimizing institutional burden.

Finally, more than a few disclosures exclude outcomes because the program had fewer than 10 graduates in the award year covered by the disclosure template. Because the Department does not collect data from the disclosures through a central portal or tool, it has been unable to compare the number of completers reported on the GE disclosures posted by programs with the number reported through other survey tools. Therefore, it is difficult to know if these reports of less than 10 graduates are accurate.

[11] ACCSC Standards of Accreditation, Appendix VII—Guidelines for Employment Classification, 2015, Available at *www.accsc.org/UploadedDocuments/July%202015/Guidelines%20for%20Employment.pdf.*

[12] *https://nces.ed.gov/npec/data/Calculating_Placement_Rates_Background_Paper.pdf.*

[13] *https://www2.ed.gov/policy/highered/reg/hearulemaking/2012/ipeds-summary91013.pdf.*

Covered Institutions and Programs

Under its general authority to publish data related to title IV program outcomes, and in light of changes to the National Student Loan Data System related to the 150% subsidized loan rules requiring institutions to report program CIP codes, the Department believes that it is important and necessary to publish program-level student outcomes to inform consumer choice and enable researchers and policy makers to analyze program outcomes. The Department does not believe that GE data can adequately meet this goal or inform consumer choice since only a small proportion of postsecondary programs are required to report program-level outcomes data and, even among GE programs, many programs graduate fewer than 10 students per year and are not required to provide student outcome information on the GE disclosure. In addition, the Department does not believe it is appropriate to attach punitive actions to program-level outcomes published by some programs but not others. In addition, the Department believes that it is more useful to students and parents to publish actual median earnings and debt data rather than to utilize a complicated equation to calculate D/E rates that students and parents may not understand and that cannot be directly compared with the debt and earnings outcomes published by non-GE programs. For all the reasons set forth in this NPRM, the Department believes it would be unwise policy to continue using the D/E rates for reporting or eligibility purposes.

In addition, the GE regulations targeted proprietary institutions, aiming to eliminate poor performers and ''bad actors'' in the sector. While bad actors do exist in the proprietary sector, the Department believes that there are good and bad actors in all sectors and that the Department, States, and accreditors have distinct roles and responsibilities in holding all bad actors accountable. Prior to 2015, when the Department started collecting program-level data for all completers, the GE regulations provided a unique opportunity for the Department to calculate program-level outcomes. Now that the Department collects program information for all completers, it can easily expand program-level outcomes reporting for all institutions. Therefore, not only does the Department believe that the D/E rates calculation is not an appropriate measure for determining title IV eligibility, the availability of program-level data for all completers makes it possible to provide median earnings and debt data for all programs, thereby providing a more accurate mechanism for providing useful information to consumers.

Further, the Department has reviewed additional research findings, including those published by the Department in follow-up to the Beginning Postsecondary Survey of 1994, and determined that student demographics and socioeconomic status play a significant role in determining student outcomes.[14] The GE regulations failed to take into account the abundance of research that links student outcomes with a variety of socioeconomic and demographic risk factors, and similarly failed to acknowledge that institutions serving an older student population will likely have higher median debt since Congress has provided higher borrowing limits for older students who are less likely than traditional students to receive financial support from parents.

Students select institutions and college majors for a wide variety of reasons, with cost and future earnings serving as only two data points within a more complex decision-making process. For the reasons cited throughout this document, the Department has reconsidered its position.

Well-publicized incidents of non-profit institutions misrepresenting their selectivity levels, inflating the job placement rates of their law school graduates, and even awarding credit for classes that never existed demonstrate that bad acts occur among institutions regardless of their tax status.[15] [16] [17] [18]

The GE regulations underestimated the cost of delivering a program and practices within occupations that may skew reported earnings. According to Delisle and Cooper, because public institutions receive State and local taxpayer subsidies, ''even if a for-profit institution and a public institution have similar overall expenditures (costs) and graduate earnings (returns on investment), the for-profit institution will be more likely to fail the GE rule, since more of its costs are reflected in student debt.'' [19] Non-profit, private institutions also, in general, charge higher tuition and have students who take on additional debt, including enrolling in majors that yield societal benefits, but not wages commensurate with the cost of the institution.

Challenges have been brought alleging cosmetology and hospitality programs have felt a significant impact due to the GE regulations. In the case of cosmetology programs, State licensure requirements and the high costs of delivering programs that require specialized facilities and expensive consumable supplies may make these programs expensive to operate, which may be why many public institutions do not offer them. In addition, graduates of cosmetology programs generally must build up their businesses over time, even if they rent a chair or are hired to work in a busy salon.

Finally, since a great deal of cosmetology income comes from tips, which many individuals fail to accurately report to the Internal Revenue Service, mean and median earnings figures produced by the Internal Revenue Service under-represent the true earnings of many workers in this field in a way that institutions cannot control.[20] Litigation filed by the American Association of Cosmetology Schools (AACS) asserting similar claims highlighted the importance of the alternate earnings appeal to allow institutions to account for those earnings.

While the GE regulations include an alternate earnings appeals process for programs to collect data directly from graduates, the process for developing such an appeal has proven to be more difficult to navigate than the Department originally planned. The Department has reviewed earnings appeal submissions for completeness and considered response rates on a case-by-case basis since the response rate threshold requirements were set aside in the AACS litigation. Through this process, the Department has corroborated claims from institutions that the survey response requirements of the earnings appeals methodology are burdensome given that program graduates are not required to report their earnings to their institution or to the Department, and there is no mechanism in place for institutions to track students after they complete the program. The process of Departmental review of individual appeals has been time-

[14] *https://nces.ed.gov/pubs/web/97578g.asp.*

[15] *www.forbes.com/sites/stevecohen/2012/09/29/the-three-biggest-lies-in-college-admission/#9ed5ccc1754f.*

[16] *www.nytimes.com/2012/02/01/education/gaming-the-college-rankings.html.*

[17] *www.cnn.com/2014/10/22/us/unc-report-academic-fraud/index.html.*

[18] *www.wsj.com/articles/temple-university-fires-a-dean-over-falsified-rankings-data-1531498822.*

[19] Delisle, J. and Cooper, P. (2017). Measuring Quality or Subsidy? How State Appropriations Rig the Federal Gainful Employment Test. Do state subsidies for public universities favor the affluent? Brookings Institute. Available at *www.aei.org/publication/measuring-quality-or-subsidy-how-state-appropriations-rig-the-federal-gainful-employment-test/.*

[20] *https://www.irs.gov/newsroom/irs-releases-new-tax-gap-estimates-compliance-rates-remain-statistically-unchanged-from-previous-study.*

consuming and resource-intensive, with great variations in the format and completeness of appeals packages. The contents of some of these review packages would suggest continued confusion about requirements on the part of schools that would be problematic if those earnings were still tied to any kind of eligibility threshold.

Executive Order 13777 instructs agencies to reduce unnecessary burden on regulated entities, while at the same time emphasizing the need for greater transparency. The Department believes that its proposed rescission of the GE regulations is consistent with Executive Order 13777 because the GE regulations place tremendous burden upon certain programs and institutions, as evidenced by comments from negotiators representing institutions not currently covered by the GE regulations that extending the regulations to include their institution would impose tremendous and costly burden. As noted by various associations and institutions in response to the Department's request for public feedback on which regulations should be repealed, modified, or replaced, a large number of community colleges whose GE programs have not been in danger of failing the D/E rates measure have complained about the cost of complying with the GE regulations, which has been viewed as far out of proportion with the corresponding student benefits. For example, the American Association of Community Colleges pointed to the regulations' extensive reporting and disclosure requirements.[21] Despite this additional burden to GE programs, the GE regulations provide only limited transparency since the regulations apply to a small subset of title IV-eligible programs. Instead, the Department believes that its efforts to expand the College Scorecard, which includes all programs that participate in the title IV, HEA programs, to include program-level earnings, debt, and other data, will better accomplish our goal of increasing transparency.

The GE regulations include, among other things, a complicated formula for calculating a program's D/E rates, a set of thresholds that are used to determine whether a program's D/E rates are passing, failing, or in the zone, and a number of disclosure requirements. The D/E rates measure compares median student loan debt (including institutional, private, and Federal loan debt), as reported by institutions and the National Student Loan Data System, to the higher of mean and median earnings obtained from the Social Security Administration.

Further, we believe that the analysis and assumptions with respect to earnings underlying the GE regulations are flawed. In 2014, upon the introduction of the GE regulations, the Department claimed that graduates of many GE programs had earnings less than those of the average high school dropout.[22] *The Washington Post* highlighted several errors in this comparison including that the Department failed to explain that the three-year post-graduation GE earnings compared the earnings of recent graduates with the earnings of a population of high school graduates that could include those who are nearing the end of 40-year careers or who own successful long-existing businesses.[23] Further comparisons to non-college graduates need to be contextualized, given that the average person who completes a registered apprenticeship earns a starting salary of more than $60,000 per year, and some college graduates who pursue careers in allied health, education, or human services—regardless of what college they attended—earn less than non-college graduates who complete an apprenticeship program.[24]

The Census Bureau, in its landmark 2002 report, *The Big Payoff,* was careful to explain that individual earnings may differ significantly due to a variety of factors, including an individual's work history, college major, personal ambition, and lifestyle choices.[25] The report also pointed out that even some individuals with graduate degrees, such as those in social work or education, may fail to earn as much as a high school graduate who works in the skilled trades. In other words, both debt and earnings outcomes depend on a number of factors other than program quality or institutional performance. There are tremendous complexities involved in comparing earnings, especially since prevailing wages differ significantly from one occupation to the next and one geographic region to the next.[26] Therefore, a bright-line D/E rates measure ignores the many research findings that were either not taken into account in publishing the GE regulations or that were published since the GE regulations were promulgated, that have demonstrated over and over again that gender, socioeconomic status, race, geographic location, and many other factors affect earnings.[27] [28] [29] Even among the graduates of the Nation's most prestigious colleges, earnings vary considerably depending upon the graduate's gender, the field the graduate pursued, whether or not the graduate pursued full-time work, and the importance of work-life balance to the individual.[30] And yet, the Department has never contended that the majors completed by the lower-earning graduates were lower performing or lower quality than those that result in the highest wages.

Additional Disclosures

The Department published in the **Federal Register** on November 1, 2016, regulations known as the Borrower Defenses to Repayment (BD) regulations *(81 FR 75926).* The effective date of the BD regulations was most recently delayed until July 1, 2019 *(83 FR 6458)* to allow for additional negotiated rulemaking to reconsider those regulations. Following the conclusion of the negotiated rulemaking process, on July 31, 2018, the Department published in the **Federal Register** a notice of proposed rulemaking in which the Department proposes, among other things, to withdraw (*i.e.,* rescind) specified provisions of the BD regulations already published but not yet effective.

Among these BD regulations are two disclosures that were included among the topics for negotiation by the GE negotiating committee, as part of the larger discussion about the disclosure requirements in the GE regulations. One of these provisions would have required proprietary institutions to provide a warning to students if the loan repayment rate for the institution did not meet a specified bright-line

[21] American Association of Community College. (September 20, 2017). Comments of the American Association of Community Colleges. Docket ID: ED–2017–OS–0074. Available at *https://www.regulations.gov/document?D=ED-2017-OS-0074-15336.*

[22] *www.ed.gov/news/press-releases/obama-administration-takes-action-protect-americans-predatory-poor-performing-ca/.*

[23] *www.washingtonpost.com/news/fact-checker/wp/2014/04/11/the-obama-administrations-claim-that-72-percent-of-for-profits-programs-have-graduates-making-less-than-high-school-dropouts/*

[24] Ibid.

[25] Cheeseman Day, J. & Newburger, E. *The Big Payoff: Educational Attainment and Synthetic Estimates of Work-Life Earnings,* Current Population Reports, U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, 2002. Available at *www.census.gov/content/dam/Census/ibrary/publications/2002/demo/p23–210.pdf.*

[26] *nces.ed.gov/pubs2006/2006321.pdf.*

[27] *www.brookings.edu/wp-content/uploads/2016/07/Deconstructing-and-Reconstructing-the-College-Scorecard.pdf.*

[28] *trends.collegeboard.org/sites/default/files/education-pays-2016-full-report.pdf.*

[29] *nces.ed.gov/pubs/web/97578g.asp.*

[30] Witteveen, D. & Attewell, P. *The earnings payoff from attending a selective college.* Social Science Research 66 (2017) 154–169. Available at *www.sciencedirect.com/science/article/pii/S0049089X16301430.*

standard. The other provision would have required institutions to notify students if the institution was required under other provisions of the BD regulations to provide the Department with financial protection, such as a letter of credit.

In response to the 2016 Borrower Defense proposed regulations, the Department received many comments contending that the regulations unfairly targeted proprietary institutions (81 FR 75934). Others commented that the loan repayment rate disclosure reflected financial circumstances and not educational quality. The Department believes that these comments are in line with how the Department views GE and the reasons provided for rescinding it. As such, the Department also proposes to remove the requirement for institutions to disclose information related to student loan repayment rates. With respect to the financial protection disclosure, the Department believes that matters such as the calculation of an institution's composite score and requirements regarding letters of credit are complex and beyond the level of understanding of a typical high school graduate considering enrollment in a postsecondary education program. Therefore, a student may misjudge the meaning of such a disclosure to indicate the imminent closure of the institution, which is not necessarily the case. While in certain instances, a letter of credit may serve as an indicator of financial risk to taxpayers, there are other instances where this may not be the case. Therefore, the Department proposes to remove the requirement for institutions to disclose that they are required to post a letter of credit and the related circumstances.

In discussion with the negotiators, those representing attorneys general, legal organizations, and student advocacy groups opposed eliminating these disclosures because they believed the disclosures would benefit students. However, the Department believes that these disclosures will not provide meaningful or clear information to students, and will increase cost and burden to institutions that would have to disclose this information.

Although these two disclosures were discussed by the negotiated rulemaking committee convened to consider the GE regulations, because they are formally associated with the borrower defense regulations, their proposed withdrawal is addressed through the proposed regulatory text in the 2018 notice of proposed rulemaking relating to the BD regulations.

In summary, the Department proposes to rescind the GE regulations for a number of reasons, including:

- Research findings published subsequent to the promulgation of the regulation confirm that the D/E rates measure is inappropriate for determining an institution's continuing eligibility for title IV participation;
- A review of GE disclosures posted by institutions over the last two years has revealed troubling inconsistencies in the way that job placement rates are determined and reported;
- The use of a standardized disclosure template and the physical distribution of disclosures to students is more burdensome than originally predicted; and
- GE outcomes data reveal the disparate impact that the GE regulation has on some academic programs.

In July 2018, the Department published a notice of proposed rulemaking that more appropriately addresses concerns about institutional misrepresentation by providing direct remedies to students harmed by such misrepresentations (83 FR 37242). In addition, the Department believes that by publishing outcomes data through the College Scorecard for all title IV participating programs, it will be more difficult for institutions to misrepresent likely program outcomes, including earnings or job placement rates, which should not be determined or published until such time that a reliable data source is identified to validate such data. For the reasons cited above, the Department proposes to amend or rescind the GE regulations.

Scope of the Proposed Regulations

1. Removal of GE Regulations

The Department proposes to rescind the GE regulations because, among other things, they are based on a D/E metric that has proven to not be an appropriate proxy for use in determining continuing eligibility for title IV participation; they incorporate a threshold that the researchers whose work gave rise to the standard questioned the relevance of to student loan borrowing levels; and they rely on a job placement rate reporting requirement that the Department was unable to define consistently or provide a data source to ensure its reliability and accuracy and that has since been determined is unreliable and vulnerable to accidental or intentional misreporting. In addition, because the GE regulations require only a small portion of higher education programs to report outcomes, they do not adequately inform consumer choice or help borrowers compare all of their available options.

Therefore, the Department proposes to rescind the GE regulations. Removal of the GE regulations would include removing the provisions in § 668.401 through § 668.415, including the provisions regarding the scope and purpose of those regulations (§ 668.401), the gainful employment framework (§ 668.403), calculating D/E rates, issuing and challenging those rates, and providing for a D/E rates alternate earnings appeal (§ 668.404-§ 668.406). Consequently, by removing the provisions pertaining to the D/E rates measure, the consequences of the D/E rates measure would also be removed from the regulations (§ 668.410), as well as the required certifications (§ 668.414). In addition, current sections that condition title IV eligibility on outcomes under the D/E rates measure, the methodology for calculating the D/E rates, the reporting requirements necessary to calculate D/E rates and certain other certifications and disclosures, and subpart R pertaining to program cohort default rates, a potential disclosure item, would no longer be required, and the Department proposes to remove those sections, as well (§§ 668.411–668.413; subpart R).

2. Technical and Conforming Changes

Proposed § 600.10(c)(1) would remove current paragraph (i) and redesignate the remaining paragraphs. Current § 600.10(c)(1)(i) establishes title IV eligibility for GE programs. The Department's proposed regulations would remove the GE regulations referenced in this paragraph, and therefore we are proposing to remove this paragraph and renumber this section. This technical correction was proposed during the negotiations because the Department proposed removing the GE regulations and moving to a disclosure-only framework. Discussion related to the removal of sanctions and the disclosure framework is summarized above, but there were no additional comments made solely on this technical change. Additionally, proposed § 600.10(c)(1)(iii) would require programs that are at least 300 clock hours but less than 600 clock hours and do not admit as regular students only persons who have completed the equivalent of an associate's degree to obtain the Secretary's approval to be eligible for title IV aid student loans. This is consistent with § 668.8(d) where programs of at least 300 clock hours are referenced and is consistent with the statute. This proposal was also made during the negotiations, but the

committee did not have comments related to this aspect of the proposals.

The Department also proposes to remove references to subpart Q in § 600.21(a)(11) as part of its proposed removal of the GE regulations. Likewise, we propose technical edits to § 668.8(d) to remove references to subpart Q. The Department also proposes to remove and reserve current § 668.6, which lists disclosure requirements for GE programs that ceased to have effect upon the effective date of the disclosure requirements under the 2014 GE regulations.

Executive Orders 12866, 13563, and 13771

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is an economically significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866 because it would have an annual effect on the economy of over $100 million.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2018, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions, unless required by law or approved in writing by the Director of the OMB. Because these proposed regulations do not impose total costs greater than zero, the requirement to offset new regulations in Executive Order 13771 would not apply.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things, and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed regulatory action only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that these proposed regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Regulatory Impact Analysis

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. This proposed regulatory action would have an annual economic benefit of approximately $209 million in reduced paperwork burden and increased transfers to Pell Grant recipients and student loan borrowers and subsequently institutions of about $518 million annually at the 7 percent discount rate, as further explained in the *Analysis of Costs and Benefits* section.

A. Need for Regulatory Action

This regulatory action is necessary to comply with Executive Order 13777, whereby the President instructed agencies to reduce unnecessary burden on regulated entities and to increase transparency. Because the GE regulations significantly burden certain programs and institutions but provide limited transparency at only a small subset of title IV-eligible programs, the Department proposes to rescind them.

Furthermore, when developing the GE regulations, the Department, as noted in feedback received from multiple institutions, underestimated the burden on institutions associated with the use of a standardized disclosure template in publishing program outcomes and distributing notifications directly to prospective and current students. For example, the estimate did not include an assessment of burden on the government to support the development of an approved disclosure template and the distribution of the template populated with the appropriate data. The Department has determined that it would be more efficient to publish data using the College Scorecard, not only to reduce reporting burden but to enable students to more readily review the data and compare institutions.

B. Analysis of Costs and Benefits

These proposed regulations would affect prospective and current students; institutions with GE programs participating in the title IV, HEA programs; and the Federal government. The Department expects institutions and the Federal government would benefit as the action would remove highly burdensome reporting, administrative costs, and sanctions. The Department has also analyzed the costs of this regulatory action and has determined that it would impose no additional costs ($0). As detailed earlier,

pursuant to this proposed regulatory action, the Department would remove the GE regulations and adopt no new ones.

1. Students

The proposed removal of the GE regulations may result in both costs and benefits to students, including the costs and benefits associated with continued enrollment in zone and failing GE programs and the benefit of reduced information collections. Students may see costs from continued enrollment in programs that may have, if the GE regulations were in effect, lost title IV eligibility and the student would have discontinued enrollment. Students may also see benefits from not having to transfer to another institution in cases where their program would have lost title IV eligibility. Burden on students will be reduced by not having to respond to schools to acknowledge receipt of disclosures.

There are student costs and benefits associated with enrollment in a program that would have otherwise lost eligibility to participate in the title IV, HEA programs under the GE regulations; however, the actual outcome for students enrolled in failing or zone programs under the GE regulations is unknown. Under the GE regulations, if a GE program becomes ineligible to participate in the title IV, HEA programs, students would not be able to receive title IV aid to enroll in it. Because D/E rates have been calculated under the GE regulations for only one year, no programs have lost title IV, HEA eligibility. However, 2,050 programs were identified as failing programs or programs in the zone based on their 2015 GE rates and are at risk of losing eligibility under the GE regulations. In 2015–16, 329,250 students were enrolled in zone GE programs and 189,920 students were enrolled in failing programs.

Under the proposed regulations, the Department would discontinue certain GE information collections, which is detailed further in the *Paperwork Reduction Act of 1995* section of this preamble. Two of these information collections impact students—OMB control number 1845–0123 and OMB control number 1845–0107. By removing these collections, the proposed regulations would reduce burden on students by 2,167,129 hours annually. The burden associated with these information collections is attributed to students being required to read the warning notices and certify that they received them. Therefore, using the individual hourly rate of $16.30, the benefit due to reduced burden for students is $35,324,203 annually (2,167,129 hours per year * $16.30 per hour).

2. Institutions

The proposed regulations would also benefit institutions administering GE programs. These institutions would have a reduced paperwork burden and no longer be subject to a potential loss of title IV eligibility. The table below shows the distribution of institutions administering GE programs by sector.

TABLE 2—INSTITUTIONS WITH 2015 GE PROGRAMS [31]

Type	Institutions	Programs
Public	865	2,493
Private	206	476
Proprietary	1,546	5,681
Total	2,617	8,650

All 2,617 institutions with GE programs would see savings from reduced reporting requirements due to removal of the GE regulations. As discussed further in the *Paperwork Reduction Act of 1995* section of this preamble, reduction in burden associated with removing the GE regulatory information collections for institutions is 4,758,499 hours. Institutions would benefit from these proposed changes, which would reduce their costs by $173,923,138 annually using the hourly rate of $36.55.

Under the proposed regulations, programs that had or have D/E rates that are failing or in the zone could see benefits because they would no longer be subject to sanctions, incur the cost of appealing failing or zone D/E rates, or be at risk of losing their title IV eligibility. Specifically, 778 institutions administering 2,050 zone or failing GE programs would receive these benefits, which represents 24 percent of the 8,650 2015 GE programs. Disaggregation of these program counts and counts by institutional type are provided in the table below.

TABLE 3—INSTITUTIONS WITH 2015 GE ZONE OR FAILING PROGRAMS [32]

Type	Institutions	Zone programs	Failing programs	Zone or failing programs
Public	9	9		9
Private	34	68	21	89
Proprietary	735	1,165	787	1,952
Total	778	1,242	808	2,050

Cosmetology undergraduate certificate programs are the most common type of program in the zone or failing categories. Among the 895 cosmetology undergraduate certificate programs with a 2015 GE rate, 91 failed the D/E rates measure and 270 fell into the zone. Table 4 shows the most frequent types of programs with failing or zone D/E rates. These programs and their institutions would be most significantly affected by the proposed removal of GE sanctions as they would continue to be eligible to participate in title IV, HEA programs. As indicated in the Accounting Statement, the money received by these institutions is a transfer from the taxpayers through students who choose to attend the institutions' programs.

[31] The count of programs includes programs that had preliminary rates calculated, but were not designated with an official pass, zone, or fail status due to reaccreditation and reinstatements of eligibility during the validation process of establishing D/E rates.

[32] The count of programs includes programs that had preliminary rates calculated, but were not designated with an official pass, zone, or fail status due to reaccreditation and reinstatements of eligibility during the validation process of establishing D/E rates.

TABLE 4—ZONE OR FAILING 2015 GE PROGRAMS BY FREQUENCY OF PROGRAM TYPES [33]

CIP	Credential level	Zone	Fail	Zone or Fail	All programs
Cosmetology/Cosmetologist, General.	Undergraduate Certificate	270	91	361	895
Medical/Clinical Assistant.	Associates Degree	35	56	91	119
Medical/Clinical Assistant.	Undergraduate Certificate	78	12	90	424
Massage Therapy/Therapeutic Massage.	Undergraduate Certificate	43	4	47	270
Business Administration and Management, General..	Associates Degree	24	22	46	74
Legal Assistant/Paralegal.	Associates Degree	20	25	45	58
Barbering/Barber.	Undergraduate Certificate	22	16	38	96
Graphic Design.	Associates Degree	16	17	33	45
Criminal Justice/Safety Studies.	Associates Degree	20	11	31	41
Massage Therapy/Therapeutic Massage.	Associates Degree	8	19	27	33
All other programs		706	535	1,241	6,595
Total		1,242	808	2,050	8,650

3. Federal Government

Under the proposed regulations, the Federal government would benefit from reduced administrative burden associated with removing provisions in the GE regulations and from discontinuing information collections. The Federal government would incur annual costs to fund more Pell Grants and title IV loans, as discussed in the Net Budget Impact section.

Reduced administrative burden due to the proposed regulatory changes would result from removing the provisions in the GE regulations regarding sending completer lists to institutions, adjudicating completer list corrections, adjudicating challenges, and adjudicating alternate earnings appeals. Under the GE regulations, the Department expects to receive about 500 earnings appeals annually and estimates that it would take Department staff 10 hours per appeal to evaluate the information submitted. Using the hourly rate of a GS–13 Step 1 in the Washington, DC area of $46.46,[34] the estimated benefit due to reduced costs from eliminating earnings appeals is $232,300 annually (500 earnings appeals * 10 hours per appeal * $46.46 per hour). Similarly, the Department sends out 31,018 program completer lists to institutions annually and estimates that it takes about 40 hours total to complete. Using the hourly rate of a GS–14 Step 1 in the Washington, DC area of $54.91,[35] the estimated benefit due to reduced costs from eliminating sending completer lists is $2,196 annually (40*54.91). Institutions can correct and challenge the lists, and for the 2015 D/E rates the Department processed 90,318 completer list corrections and adjudicated 2,894 challenges. The Department estimates it took Department staff 1,420 hours total to make completer list corrections. Similarly, the Department estimates it took $1,500,000 in contractor support and 1,400 hours of Federal staff time total to adjudicate the challenges. Using the hourly rate of a GS–13 step 1 in the Washington, DC area of $46.46, the estimated benefit due to reduced costs from eliminating completer lists, corrections, and challenges is $1,631,017 ($1,500,000 contractor support + (1420 + 1400) staff hours * $46.46 per hour).

Finally, under the proposed regulations, the Department would rescind information collections with OMB control numbers 1845–0121, 1845–1022, and 1845–0123. This would result in a Federal government benefit due to reduced contractor costs of $23,099,946 annually. Therefore, the Department estimates an annual benefit due to reduced administrative costs under the proposed regulations of $24,965,459 ($232,300 + $2,196 + $1,631,017 + $23,099,946).

The Department would also incur increased budget costs due to increased transfers of Pell Grants and title IV loans, as discussed further in the Net Budget Impacts section. The estimated annualized costs of increased Pell Grants and title IV loans from eliminating the GE regulations is approximately $518 to $527 million at 7 percent and 3 percent discount rates, respectively. The Department recognizes that this may be offset by student and institutional response to institutional and program level disclosures in the College Scorecard and other resources, but, as discussed in the Net Budget Impact section, the Department does not specifically quantify those impacts.

C. Net Budget Impacts

The Department proposes to remove the GE regulations, which include provisions for GE programs' loss of title IV, HEA program eligibility based on performance on the D/E rates measure. In estimating the impact of the GE regulations at the time they were developed and in subsequent budget estimates, the Department attributed some savings in the Pell Grant program based on the assumption that some students, including prospective students, would drop out of postsecondary education as their programs became ineligible or imminently approached ineligibility.

This assumption has remained in the baseline estimates for the Pell Grant program, with an average of approximately 123,000 dropouts annually over the 10-year budget window from FY2019 to FY2028. By applying the estimated average Pell Grant per recipient for proprietary institutions ($3,649) for 2019 to 2028 in the PB2019 Pell Baseline, the estimated net budget impact of the GE regulations in the PB2019 Pell baseline is approximately $ − 4.5 billion. As was indicated in the Primary Student Response assumption in the 2014 GE final rule,[36] much of this impact was expected to come from the warning that a program could lose eligibility in the next year. If we attribute all of the dropout effect to loss of eligibility, it would generate a maximum estimated Federal net budget impact of the proposed regulations of $4.5 billion in

[33] The count of programs includes programs that had preliminary rates calculated, but were not designated with an official pass, zone, or fail status due to reaccreditation and reinstatements of eligibility during the validation process of establishing D/E rates.

[34] Salary Table 2018–DCB effective January 2018. Available at *www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB_h.pdf.*

[35] Ibid.

[36] See 79 FR 211, Table 3.4: Student Response Assumptions, p. 65077, published October 31, 2014. Available at *www.regulations.gov/document?D=ED-2014-OPE-0039-2390.* The dropout rate increased from 5 percent for a first zone result and 15 percent for a first failure to 20 percent for the fourth zone, second failure, or ineligibility.

costs by removing the GE regulations from the PB2019 Pell Grant baseline.

The Department also estimated an impact of warnings and ineligibility in the analysis for the final 2014 GE rule, that, due to negative subsidy rates for PLUS and Unsubsidized loans at the time, offset the savings in Pell Grants by $695 million.[37] The effect of the GE regulations is not specifically identified in the PB2019 baseline, but it is one of several factors reflected in declining loan volume estimates. The development of GE regulations since the first negotiated rulemaking on the subject was announced on May 26, 2009, has coincided with demographic and economic trends that significantly influence postsecondary enrollment, especially in career-oriented programs classified as GE programs under the GE regulations. Enrollment and aid awarded have both declined substantially from peak amounts in 2010 and 2011.

As classified under the GE regulations, GE programs serve non-traditional students who may be more responsive to immediate economic trends in making postsecondary education decisions. Non-consolidated title IV loans made at proprietary institutions declined 48 percent between AY2010–11 and AY2016–17, compared to a 6 percent decline at public institutions, and a 1 percent increase at private institutions. The average annual loan volume change from AY2010–11 to AY2016–17 was −10 percent at proprietary institutions, −1 percent at public institutions, and 0.2 percent at private institutions. If we attribute all of the excess decline at proprietary institutions to the potential loss of eligibility under the GE regulations and increase estimated volume in the 2-year proprietary risk group that has the highest subsidy rate in the PB2019 baseline by the difference in the average annual change (12 percent for subsidized and unsubsidized loans and 9 percent for PLUS), then the estimated net budget impact of the removal of the ineligibility sanction in the proposed regulations on the Direct Loan program is a cost of $848 million.

Therefore, the total estimated net budget impact from the proposed regulations is $5.3 billion cost in increased transfers from the Federal government to Pell Grant recipients and student loan borrowers and subsequently to institutions, primarily from the elimination of the ineligibility provision of the GE regulations. However, this estimate assumes that a borrower who could no longer enroll in a GE program that loses title IV eligibility would not enroll in a different program that passes the D/E rates measure, but would instead opt out of a postsecondary education experience. The long-term impact to the student and the government of the decision to pursue no postsecondary education could be significant, but cannot be estimated for the purpose of this analysis.

This is a maximum net budget impact and could be offset by student and institutional behavior in response to disclosures in the College Scorecard and other resources. Generally, the Department does not attribute a significant budget impact to disclosure requirements absent substantial evidence that such information will change borrower or institutional behavior. The Department welcomes comments on the net budget impact analysis. Information received will be considered in development of the Net Budget Impact analysis of the final rule.

D. Accounting Statement

As required by OMB Circular A–4 we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of the proposed regulations (see Table 5). This table provides our best estimate of the changes in annual monetized transfers as a result of the proposed regulations. The estimated reduced reporting and disclosure burden equals the −$209 million annual paperwork burden calculated in the *Paperwork Reduction Act of 1995* section (and also appearing on page 65004 of the regulatory impact analysis accompanying the 2014 final rule). The annualization of the paperwork burden differs from the 2014 final rule as the annualization of the paperwork burden for that rule assumed the same pattern as the 2011 rule that featured multiple years of data being reported in the first year with a significant decline in burden in subsequent years.

TABLE 5—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES

[In millions]

Category	Benefits	
Discount Rate	7%	3%
Reduced reporting and disclosure burden for institutions with GE programs under the GE regulations.	$209	$209
Category	**Costs**	
Discount Rate	7%	3%
Costs		
Category	**Transfers**	
Discount Rate	7%	3%
Increased transfers to Pell Grant recipients and student loan borrowers from elimination of ineligibility provision of GE regulations.	$518	$527

[37] See 79 FR 211, pp 65081–82, available at *www.regulations.gov/document?D=ED-2014-OPE-0039-2390.*

Regulatory Flexibility Act (RFA) Certification

The U.S. Small Business Administration (SBA) Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The Department lacks data to identify which public and private, nonprofit institutions qualify as small based on the SBA definition. Given the data limitations and to establish a common definition across all sectors of postsecondary institutions, the Department uses its proposed data-driven definitions for ''small institutions'' (Full-time enrollment of 500 or less for a two-year institution or less than two-year institution and 1,000 or less for four-year institutions) in each sector (Docket ID ED–2018–OPE–0027) to certify the RFA impacts of these proposed regulations. Using this definition, there are 2,816 title IV institutions that qualify as small entities based on 2015–2016 12-month enrollment.

When an agency issues a rulemaking proposal, the RFA requires the agency to ''prepare and make available for public comment an initial regulatory flexibility analysis'' which will ''describe the impact of the proposed rule on small entities.'' (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The proposed regulations directly affect all institutions with GE programs participating in title IV aid. There were 2,617 institutions in the 2015 GE cohort, of which 1,357 are small entities. This represents approximately 20 percent of all title IV-participating institutions and 48 percent of all small institutions. Therefore, the Department has determined that the proposed regulations would not have a significant economic impact on a substantial number of small entities.

Further, the Department has determined that the impact on small entities affected by the proposed regulations would not be significant. For these 1,357 institutions, the effect of the proposed regulations would be to eliminate GE paperwork burden and potential loss of title IV eligibility. We believe that the economic impacts of the proposed paperwork and title IV eligibility changes would be beneficial to small institutions. Accordingly, the Secretary hereby proposes to certify that these proposed regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities. The Department invites comment from members of the public who believe there will be a significant impact on small institutions.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed or continuing, or the discontinuance of, collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: The public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents. Respondents also have the opportunity to comment on our burden reduction estimates.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

The proposed regulations would rescind the GE regulations. That action would eliminate the burden as assessed to the GE regulations in the following previously approved information collections.

1845–0107—Gainful Employment Disclosure Template

Individuals—13,953,411 respondents for a total of 1,116,272 burden hours eliminated.

For Profit Institutions—2,526 respondents for a total of 1,798,489 burden hours eliminated.

Private Non Profit Institutions—318 respondents for a total of 27,088 burden hours eliminated.

Public Institutions—1,117 respondents for a total of 176,311 burden hours eliminated.

1845–0121—Gainful Employment Program—Subpart R—Cohort Default Rates

For Profit Institutions—1,434 respondents for a total of 5,201 burden hours eliminated.

Private Non Profit Institutions—47 respondents for a total of 172 burden hours eliminated.

Public Institutions—78 respondents for a total of 283 burden hours eliminated.

1845–0122—Gainful Employment Program—Subpart Q—Appeals for Debt to Earnings Rates

For Profit Institutions—388 respondents for a total of 23,377 burden hours eliminated.

Private Non Profit Institutions—6 respondents for a total of 362 burden hours eliminated.

Public Institutions—2 respondents for a total of 121 burden hours eliminated.

1845–0123—Gainful Employment Program—Subpart Q—Regulations

Individuals—11,793,035 respondents for a total of 1,050,857 burden hours eliminated.

For Profit Institutions—28,018,705 respondents for a total of 2,017,100 burden hours eliminated.

Private Non Profit Institutions—442,348 respondents for a total of 76,032 burden hours eliminated.

Public Institutions—2,049,488 respondents for a total of 633,963 burden hours eliminated.

The total burden hours and proposed change in burden hours associated with each OMB Control number affected by the proposed regulations follows:

Regulatory section	OMB control No.	Burden hours	Estimated cost $36.55/hour for institutions; $16.30/hour for individuals
§ 668.412	1845–0107	−3,118,160	−$91,364,240
§§ 668.504, 668.509, 668.510, 668.511, 668.512	1845–0121	−5,656	−206,727
§ 668.406	1845–0122	−23,860	−872,083
§§ 668.405, 668.410, 668.411, 668.413, 668.414	1845–0123	−3,777,952	−116,804,291
Total		−6,925,628	−209,247,341

We have prepared Information Collection Requests which will be filed upon the effective date of these proposed regulations to discontinue the currently approved information collections noted above.

Note: The Office of Information and Regulatory Affairs in OMB and the Department review all comments posted at *www.regulations.gov*.

We consider your comments on discontinuing these collections of information in—

- Evaluating the accuracy of our estimate of the burden reduction of the proposed discontinuance, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

OMB is required to make a decision concerning the collections of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives your comments on these Information Collection Requests by September 13, 2018. This does not affect the deadline for your comments to us on the proposed regulations.

If your comments relate to the Information Collection Requests for these proposed regulations, please indicate ''Information Collection Comments'' on the top of your comments.

Intergovernmental Review

These programs are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Assessment of Educational Impact

In accordance with section 411 of GEPA, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. (Catalog of Federal Domestic Assistance Number does not apply.)

List of Subjects

34 CFR Part 600

Colleges and universities, Foreign relations, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

34 CFR Part 668

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: August 9, 2018.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, and under the authority at 20 U.S.C. 3474 and 20 U.S.C. 1221e–3, the Secretary of Education proposes to amend parts 600 and 668 of title 34 of the Code of Federal Regulations as follows:

PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

■ 1. The authority citation for part 600 continues to read as follows:

Authority: 20 U.S.C. 1001, 1002, 1003, 1088, 1091, 1094, 1099b, and 1099c, unless otherwise noted.

■ 2. Section 600.10 is amended by revising paragraphs (c)(1) and (2) to read as follows:

§ 600.10 Date, extent, duration, and consequence of eligibility.

* * * * *

(c) * * *

(1) An eligible institution that seeks to establish the eligibility of an educational program must—

(i) Pursuant to a requirement regarding additional programs included in the institution's program participation agreement under 34 CFR 668.14, obtain the Secretary's approval;

(ii) For a direct assessment program under 34 CFR 668.10, and for a comprehensive transition and postsecondary program under 34 CFR 668.232, obtain the Secretary's approval; and

(iii) For an undergraduate program that is at least 300 clock hours but less than 600 clock hours and does not admit as regular students only persons who have completed the equivalent of an associate degree under 34 CFR 668.8(d)(3), obtain the Secretary's approval.

(2) Except as provided under § 600.20(c), an eligible institution does not have to obtain the Secretary's approval to establish the eligibility of

any program that is not described in paragraph (c)(1) of this section.

* * * * *

■ 3. Section 600.21 is amended by revising the paragraph (a)(11) introductory text to read as follows:

§ 600.21 Updating application information.

(a) * * *

(11) For any program that is required to provide training that prepares a student for gainful employment in a recognized occupation—

* * * * *

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

■ 4. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1001–1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

§ 668.6 [Removed and Reserved]

■ 5. Remove and reserve § 668.6.

■ 6. Section 668.8 is amended by revising paragraphs (d)(2)(iii) and (d)(3)(iii) to read as follows:

§ 668.8 Eligible program.

* * * * *

(d) * * *

(2) * * *

(iii) Provide training that prepares a student for gainful employment in a recognized occupation; and

(3) * * *

(iii) Provide undergraduate training that prepares a student for gainful employment in a recognized occupation;

* * * * *

Subpart Q—[Removed and Reserved]

■ 7. Remove and reserve subpart Q, consisting of §§ 668.401 through 668.415.

Subpart R—[Removed and Reserved]

■ 8. Remove and reserve subpart R, consisting of §§ 668.500 through 668.516.

[FR Doc. 2018–17531 Filed 8–10–18; 4:15 pm]

BILLING CODE 4000–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3010

[Docket No. RM2016–6; Order No. 4751]

Motions Concerning Mail Preparation Changes

AGENCY: Postal Regulatory Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is noticing the partial rescindment of a previously proposed rule. This notice informs the public of the docket's reinstatement, invites public comment, and takes other administrative steps.

DATES: *Comments are due on or before* September 13, 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:

Table of Contents

I. Introduction
II. Background
III. Description of the Proposed Rule
IV. Comments Requested

I. Introduction

The Commission initiates this notice of proposed rulemaking (NPR) to partially rescind the rule concerning procedures for mail preparation changes in response to the recent decision in *United States Postal Serv.* v. *Postal Reg. Comm'n,* 886 F.3d 1253 (D.C. Cir. 2018).

II. Background

In Docket No. R2013–10R, the Commission determined that a change to the Intelligent Mail Barcoding (IMb) requirements constituted a change in rates requiring compliance with the price cap under 39 U.S.C. 3622.[1] The Postal Service appealed the Commission's determination to the United States Court of Appeals for the District of Columbia (the Court). In *United States Postal Serv.* v. *Postal Reg. Comm'n,* 785 F.3d 740, 751 (D.C. Cir. 2015), the Court found that ''changes in rates'' under 39 U.S.C. 3622 could include changes to mail preparation requirements and were not limited to ''only changes to the official posted prices of each product.'' *Id.* However, the Court remanded the matter to the Commission so that it could articulate an intelligible standard to determine when mail preparation requirement changes constitute changes in rates subject to the price cap. *Id.* at 744.

In response to the Court's remand, the Commission issued Order No. 3047, which set forth a standard to determine when mail preparation changes require compliance with the Commission's price cap rules.[2] Under § 3010.23(d)(2), the Postal Service must make reasonable adjustments to its billing determinants to account for the effects of classification changes that result in the introduction, deletion, or redefinition of rate cells. The standard established by the Commission in Order No. 3047 provided that mail preparation changes could have rate effects when they resulted in the deletion or redefinition of rate cells as set forth by § 3010.23(d)(2). Order No. 3047 at 59. In conjunction with Order No. 3047, the Commission initiated a separate rulemaking proceeding in this docket to develop a procedural rule that would ensure the Postal Service properly accounted for the rate effects of mail preparation changes ''in accordance with the Commission's standard articulated in Order No. 3047.''[3]

While the rulemaking was pending, the Postal Service requested the Commission reconsider the standard set forth in Order No. 3047. In response, the Commission issued Order No. 3441 resolving the request for reconsideration and maintaining the standard articulated in Order No. 3047.[4] The Postal Service petitioned the Court for review of the revised standard set forth in Order Nos. 3047 and 3441.[5]

During the pendency of the appellate proceedings, the Commission issued Order No. 4393 in this docket, adopting a final procedural rule concerning mail preparation changes.[6] The final rule institutes publication requirements for changes to mail preparation rules and requires the Postal Service to (1) affirmatively designate whether or not a change to a mail preparation

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[1] Docket No. R2013–10, Order on Price Adjustments for Market Dominant Products and Related Mail Classification Changes, November 21, 2013, at 5–35 (Order No. 1890).

[2] Docket No. R2013–10R, Order Resolving Issues on Remand, January 22, 2016 (Order No. 3047).

[3] Notice of Proposed Rulemaking on Motions Concerning Mail Preparation Changes, January 22, 2016, at 1–2 (Order No. 3048). The Notice of Proposed Rulemaking on Motions Concerning Mail Preparation Changes was published in the **Federal Register** on February 1, 2016. *See* 81 FR 5085 (February 1, 2016).

[4] Docket No. R2013–10R, Order Resolving Motion for Reconsideration of Commission Order No. 3047, July 20, 2016 (Order No. 3441).

[5] Petition for Review, *United States Postal Serv.* v. *Postal Reg. Comm'n,* 886 F.3d 1253 (D.C. Cir. 2018).

[6] Order Adopting Final Procedural Rule for Mail Preparation Changes, January 25, 2018, at 22–23 (Order No. 4393). The Order Adopting Final Procedural Rule for Mail Preparation Changes was published in the **Federal Register** on March 5, 2018. *See* 83 FR 4585 (March 5, 2018). *See also* Revised Notice of Proposed Rulemaking, March 27, 2017 (Order No. 3827). The Revised Notice of Proposed Rulemaking was published in the **Federal Register** on March 31, 2017. *See* 82 FR 16015 (March 31, 2017).

requirement implicates the price cap; and (2) show by a preponderance of the evidence, if the designation is challenged, that the price cap does not apply to the change. The Postal Service also petitioned the Court for review of this final rule.[7]

Shortly after the Commission adopted the final rule in this docket, the Court issued its decision in *United States Postal Serv.* v. *Postal Reg. Comm'n,* 886 F.3d 1253 (D.C. Cir. 2018), vacating the Commission's standard in Order No. 3047. As a result of this decision, the Commission and the Postal Service filed a joint motion to remand the appeal of the final rule back to the Commission for further proceedings.[8] The Commission institutes this NPR in response to the Court's order granting the motion for remand.[9]

As indicated in Order No. 4393, in addition to the reporting requirement, the procedural rule set forth requirements designed to ensure compliance with the price cap based on the Commission's standard articulated in Order No. 3047. Because the substantive standard established in Order No. 3047 was vacated by the Court, the Commission proposes to rescind part of the final rule that relies upon the standard. The Commission intends to develop an appropriate standard and propose other appropriate rules implementing that standard in due course.

III. Description of the Proposed Rule

The proposed rule revises § 3010.23(d)(5). As described above, § 3010.23(d)(5) institutes a reporting requirement whereby the Postal Service must provide published notice of all mail preparation changes in a single source. The Postal Service began complying with the reporting requirement on March 22, 2018.[10] The rule also requires the Postal Service to (1) affirmatively designate whether or not an individual mail preparation change requires compliance with § 3010.23(d)(2) in accordance with the standard set forth in Order No. 3047; and (2) demonstrate by a preponderance of the evidence, in response to a challenge, that a mail preparation change does not require compliance with § 3010.23(d)(2). Both the designation and evidentiary burden parts of the rule require a substantive standard. Because that standard was vacated and a new standard has yet to be developed, the proposed rule revises paragraph (d)(5) and removes the affirmative designation requirement and evidentiary burden. The reporting requirement will remain in the rule and exists independent of any standard as it is necessary to provide standardized, transparent reporting of mail preparation changes.[11]

Although the Commission is instituting a new proceeding to seek comment on an appropriate standard to determine when mail preparation changes are ''changes in rates'' under 39 U.S.C. 3622, the absence of an immediate standard necessitates partial rescission of the rule.

IV. Comments Requested

Interested persons are invited to provide written comments concerning the proposed rule. As the Commission is instituting a separate proceeding for comments on a new standard, the comments should be limited to the revised procedural rule.

Comments are due no later than 30 days after the date of publication of this notice in the **Federal Register**. All comments and suggestions received will be available for review on the Commission's website, *http://www.prc.gov*.

It is ordered:

1. Interested persons may submit comments no later than 30 days from the date of the publication of this notice in the **Federal Register**.

2. Kenneth E. Richardson will continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

List of Subjects in 39 CFR Part 3010

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

PART 3010—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 1. The authority citation of part 3010 continues to read as follows:

Authority: 39 U.S.C. 503; 3662.

■ 2. Amend § 3010.23 by revising paragraph (d)(5) to read as follows:

§ 3010.23 Calculation of percentage change in rates.

* * * * *

(d) * * *

(5) *Procedures for mail preparation changes.* The Postal Service shall provide published notice of all mail preparation changes in a single, publicly available source. The Postal Service shall file notice with the Commission of the single source it will use to provide published notice of all mail preparation changes.

* * * * *

[FR Doc. 2018–17499 Filed 8–13–18; 8:45 am]

BILLING CODE 7710–FW–P

[7] *See* Petition for Review, *United States Postal Serv.* v. *Postal Reg. Comm'n,* No. 18–1059 (D.C. Cir. February 26, 2018).

[8] *See* Unopposed Motion to Remand Case, *United States Postal Serv.* v. *Postal Reg. Comm'n,* No. 18–1059 (D.C. Cir. May 10, 2018).

[9] *See* Order, *United States Postal Serv.* v. *Postal Reg. Comm'n,* No. 18–1059 (D.C. Cir. May 30, 2018).

[10] *See* Updated Notice Under Rule 3010.23(d)(5), March 22, 2018.

[11] *See* Order No. 4393 at 8–10 (justification for the reporting requirement).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0700; FRL–9982–10—Region 5]

Air Plan Approval; Indiana; Cross-State Air Pollution Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state submission concerning the Cross-State Air Pollution Rule (CSAPR) that was submitted by Indiana on November 27, 2017 as a revision to the Indiana State Implementation Plan (SIP). Under CSAPR, large electricity generating units (EGUs) in Indiana are subject to Federal Implementation Plans (FIPs) requiring the units to participate in CSAPR's Federal trading program for annual emissions of nitrogen oxides (NO_X), one of CSAPR's two Federal trading programs for annual emissions of sulfur dioxide (SO_2), and one of CSAPR's two Federal trading programs for ozone season emissions of NO_X. This action would approve the State's regulations requiring large Indiana EGUs to participate in new CSAPR state trading programs for annual NO_X, annual SO_2, and ozone season NO_X emissions integrated with the CSAPR Federal trading programs, replacing the corresponding FIP requirements. EPA is proposing to approve the SIP revision because the submittal meets the

requirements of the Clean Air Act (CAA or Act) and EPA's regulations for approval of a CSAPR full SIP revision replacing the requirements of a CSAPR FIP. Under the CSAPR regulations, approval of the SIP revision would automatically eliminate Indiana's units' requirements under the corresponding CSAPR FIPs addressing Indiana's interstate transport (or ''good neighbor'') obligations for the 1997 fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS), the 2006 $PM_{2.5}$ NAAQS, the 1997 ozone NAAQS, and the 2008 ozone NAAQS. Like the CSAPR FIP requirements that would be replaced, approval of the SIP revision would fully satisfy Indiana's good neighbor obligations for the 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 1997 ozone NAAQS and would partially satisfy Indiana's good neighbor obligation for the 2008 ozone NAAQS.

DATES: Comments must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2017–0700 at *https://www.regulations.gov,* or via email to *aburano.douglas@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 *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Sarah Arra, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–9401, *arra.sarah@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. Overview
II. Background on CSAPR and CSAPR-Related SIP Revisions
III. Conditions for Approval of CSAPR-Related SIP Revisions
IV. Indiana's SIP Submittal and EPA's Analysis
V. What action is EPA taking?
VI. Incorporation by Reference
VII. Statutory and Executive Order Reviews

I. Overview

EPA is proposing to approve the November 27, 2017 submittal as a revision to the Indiana SIP to include CSAPR [1] state trading programs for annual emissions of NO_X and SO_2 and ozone season emissions of NO_X. Large EGUs in Indiana are subject to CSAPR FIPs that require the units to participate in the Federal CSAPR NO_X Annual Trading Program, the Federal CSAPR SO_2 Group 1 Trading Program, and the Federal CSAPR NO_X Ozone Season Group 2 Trading Program. CSAPR also provides a process for the submission and approval of SIP revisions to replace the requirements of CSAPR FIPs with SIP requirements under which a state's units participate in CSAPR state trading programs that are integrated with and, with certain permissible exceptions, substantively identical to the CSAPR Federal trading programs.

The SIP revision proposed for approval would incorporate into Indiana's SIP state trading program regulations for annual NO_X, annual SO_2, and ozone season NO_X emissions that would replace EPA's Federal trading program regulations for those emissions from Indiana units. EPA is proposing to approve the SIP revision because it meets the requirements of the CAA and EPA's regulations for approval of a CSAPR full SIP revision replacing a Federal trading program with a state trading program that is integrated with and substantively identical to the Federal trading program. Under the CSAPR regulations, approval of the SIP revision would automatically eliminate the obligations of large EGUs in Indiana to participate in CSAPR's Federal trading programs for annual NO_X, annual SO_2, and ozone season NO_X emissions under the corresponding CSAPR FIPs. EPA proposes to find that approval of the SIP revision would fully satisfy Indiana's obligations pursuant to the ''good neighbor'' provisions of CAA section 110(a)(2)(D)(i)(I) to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 1997 ozone NAAQS in any other state and would partially satisfy Indiana's corresponding obligation with respect to the 2008 ozone NAAQS.[2]

II. Background on CSAPR and CSAPR-Related SIP Revisions

EPA issued CSAPR in July 2011 to address the requirements of CAA section 110(a)(2)(D)(i)(I) concerning interstate transport of air pollution. As amended (including the 2016 CSAPR Update [3]), CSAPR requires 27 Eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 1997 ozone NAAQS, and the 2008 ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NO_X, and/or ozone season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 (and CSAPR Update) budgets applying to emissions in 2017 and later years. As a mechanism for achieving compliance with the emissions limitations, CSAPR establishes five Federal emissions

[1] Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011) (codified as amended at 40 CFR 52.38 and 52.39 and subparts AAAAA through EEEEE of 40 CFR part 97).

[2] In a separate action, EPA has proposed to determine that the emission reductions required under the FIPs promulgated in the CSAPR Update (see the next footnote) fully address the respective states' good neighbor obligations with respect to the 2008 ozone NAAQS. 83 FR 31915 (July 10, 2018). If that separate action is finalized as proposed, approval of Indiana's SIP replacing the CSAPR Update FIP for the state's sources as proposed in this action would fully address Indiana's good neighbor obligation with respect to the 2008 ozone NAAQS.

[3] *See* 81 FR 74504 (October 26, 2016). The CSAPR Update was promulgated to address interstate pollution with respect to the 2008 ozone NAAQS and to address a judicial remand of certain original CSAPR ozone season NO_X budgets promulgated with respect to the 1997 ozone NAAQS. *See* 81 FR at 74505. The CSAPR Update established new emission reduction requirements addressing the more recent NAAQS and coordinated them with the remaining emission reduction requirements addressing the older ozone NAAQS, so that starting in 2017, CSAPR includes two geographically separate trading programs for ozone season NO_X emissions covering EGUs in a total of 23 states. *See* 40 CFR 52.38(b)(1)–(2).

trading programs: A program for annual NO_X emissions, two geographically separate programs for annual SO_2 emissions, and two geographically separate programs for ozone-season NO_X emissions. CSAPR also establishes FIP requirements applicable to the large EGUs in each covered state.[4] Currently, the CSAPR FIP provisions require each state's units to participate in up to three of the five CSAPR trading programs.

CSAPR includes provisions under which states may submit and EPA will approve SIP revisions to modify or replace the CSAPR FIP requirements while allowing states to continue to meet their transport-related obligations using either CSAPR's Federal emissions trading programs or state emissions trading programs integrated with the Federal programs, provided that the SIP revisions meet all relevant criteria.[5] Through such a SIP revision, a state may replace EPA's default provisions for allocating emission allowances among the state's units, employing any state-selected methodology to allocate or auction the allowances, subject to timing conditions and limits on overall allowance quantities. In the case of CSAPR's Federal trading programs for ozone season NO_X emissions (or an integrated state trading program), a state may also expand trading program applicability to include certain smaller EGUs.[6] If a state wants to replace CSAPR FIP requirements with SIP requirements under which the state's units participate in a state trading program that is integrated with and identical to the Federal trading program even as to the allocation and applicability provisions, the state may submit a SIP revision for that purpose as well. However, no emissions budget increases or other substantive changes to the trading program provisions are allowed. A state whose units are subject to multiple CSAPR FIPs and Federal trading programs may submit SIP revisions to modify or replace either some or all of those FIP requirements.

States can submit two basic forms of CSAPR-related SIP revisions effective for emissions control periods in 2017 or later years.[7] Specific conditions for approval of each form of SIP revision are set forth in the CSAPR regulations, as described in section III below. Under the first alternative—an ''abbreviated'' SIP revision—a state may submit a SIP revision that upon approval replaces the default allowance allocation and/or applicability provisions of a CSAPR Federal trading program for the state.[8] Approval of an abbreviated SIP revision leaves the corresponding CSAPR FIP and all other provisions of the relevant Federal trading program in place for the state's units.

Under the second alternative—a ''full'' SIP revision—a state may submit a SIP revision that upon approval replaces a CSAPR Federal trading program for the state with a state trading program integrated with the Federal trading program, so long as the state trading program is substantively identical to the Federal trading program or does not substantively differ from the Federal trading program except as discussed above with regard to the allowance allocation and/or applicability provisions.[9] For purposes of a full SIP revision, a state may either adopt state rules with complete trading program language, incorporate the Federal trading program language into its state rules by reference (with appropriate conforming changes), or employ a combination of these approaches.

The CSAPR regulations identify several important consequences and limitations associated with approval of a full SIP revision. First, upon EPA's approval of a full SIP revision as correcting the deficiency in the state's implementation plan that was the basis for a particular set of CSAPR FIP requirements, the obligation to participate in the corresponding CSAPR Federal trading program is automatically eliminated for units subject to the state's jurisdiction without the need for a separate EPA withdrawal action, so long as EPA's approval of the SIP is full and unconditional.[10] Second, approval of a full SIP revision does not terminate the obligation to participate in the corresponding CSAPR Federal trading program for any units located in any Indian country within the borders of the state, and if and when a unit is located in Indian country within a state's borders, EPA may modify the SIP approval to exclude from the SIP, and include in the surviving CSAPR FIP instead, certain trading program provisions that apply jointly to units in the state and to units in Indian country within the state's borders.[11] Finally, if at the time a full SIP revision is approved EPA has already started recording allocations of allowances for a given control period to a state's units, the Federal trading program provisions authorizing EPA to complete the process of allocating and recording allowances for that control period to those units will continue to apply, unless EPA's approval of the SIP revision provides otherwise.[12]

III. Conditions for Approval of CSAPR-Related SIP Revisions

Each CSAPR-related abbreviated or full SIP revision must meet the following general submittal conditions:

• *Timeliness and completeness of SIP submittal.* The SIP submittal completeness criteria in section 2.1 of appendix V to 40 CFR part 51 apply. In addition, if a state wants to replace the default allowance allocation or applicability provisions of a CSAPR Federal trading program, the complete SIP revision must be submitted to EPA by December 1 of the year before the deadlines described below for submitting allocation or auction amounts to EPA for the first control period for which the state wants to replace the default allocation and/or applicability provisions.[13] This SIP submission deadline is inoperative in the case of a SIP revision that seeks only to replace a CSAPR FIP and Federal trading program with a SIP and a substantively identical state trading program integrated with the Federal trading program.

In addition to the general submittal conditions, a CSAPR-related abbreviated or full SIP seeking to address the allocation or auction of emission allowances must meet the following further conditions:

• *Methodology covering all allowances potentially requiring allocation.* For each Federal trading program addressed by a SIP revision, the SIP revision's allowance allocation or auction methodology must replace

[4] States must submit good neighbor SIPs within three years (or less, if the Administrator so prescribes) after a NAAQS is promulgated. CAA section 110(a)(1) and (2). Where EPA finds that a state fails to submit a required SIP or disapproves a SIP, EPA is obligated to promulgate a FIP addressing the deficiency. CAA section 110(c).

[5] *See* 40 CFR 52.38, 52.39. States also retain the ability to submit SIP revisions to meet their transport-related obligations using mechanisms other than the CSAPR Federal trading programs or integrated state trading programs.

[6] States covered by both the CSAPR Update and the NO_X SIP Call have the additional option to expand applicability under the CSAPR NO_X Ozone Season Group 2 Trading Program to include non-EGUs that would have participated in the former NO_X Budget Trading Program.

[7] CSAPR also provides for a third, more streamlined form of SIP revision that is effective only for control periods in 2016 or 2018 (depending on the trading program) and is not relevant here. *See* 40 CFR 52.38(a)(3), (b)(3), (b)(7); 52.39(d), (g).

[8] 40 CFR 52.38(a)(4), (b)(4), (b)(8); 52.39(e), (h).

[9] 40 CFR 52.38(a)(5), (b)(5), (b)(9); 52.39(f), (i).

[10] 40 CFR 52.38(a)(6), (b)(10)(i); 52.39(j).

[11] 40 CFR 52.38(a)(5)(iv)–(v), (a)(6), (b)(5)(v)–(vi), (b)(9)(vi)–(vii), (b)(10)(i); 52.39(f)(4)–(5), (i)(4)–(5), (j).

[12] 40 CFR 52.38(a)(7), (b)(11)(i); 52.39(k).

[13] 40 CFR 52.38(a)(4)(ii), (a)(5)(vi), (b)(4)(iii), (b)(5)(vii), (b)(8)(iv), (b)(9)(viii); 52.39(e)(2), (f)(6), (h)(2), (i)(6).

both the Federal program's default allocations to existing units [14] at 40 CFR 97.411(a), 97.511(a), 97.611(a), 97.711(a), or 97.811(a) as applicable, and the Federal trading program's provisions for allocating allowances from the new unit set-aside (NUSA) for the state at 40 CFR 97.411(b)(1) and 97.412(a), 97.511(b)(1) and 97.512(a), 97.611(b)(1) and 97.612(a), 97.711(b)(1) and 97.712(a), or 97.811(b)(1) and 97.812(a), as applicable.[15] In the case of a state with Indian country within its borders, while the SIP revision may neither alter nor assume the Federal program's provisions for administering the Indian country NUSA for the state, the SIP revision must include procedures addressing the disposition of any otherwise unallocated allowances from an Indian country NUSA that may be made available for allocation by the state after EPA has carried out the Indian country NUSA allocation procedures.[16]

• *Assurance that total allocations will not exceed the state budget.* For each Federal trading program addressed by a SIP revision, the total amount of allowances auctioned or allocated for each control period under the SIP revision (prior to the addition by EPA of any unallocated allowances from any Indian country NUSA for the state) generally may not exceed the state's emissions budget for the control period less the sum of the amount of any Indian country NUSA for the state for the control period and any allowances already allocated to the state's units for the control period and recorded by EPA.[17] Under its SIP revision, a state is free to not allocate allowances to some or all potentially affected units, to allocate or auction allowances to entities other than potentially affected units, or to allocate or auction fewer than the maximum permissible quantity of allowances and retire the remainder. Under the CSAPR NO_X Ozone Season Group 2 Trading Program only, additional allowances may be allocated if the state elects to expand applicability to non-EGUs that would have been subject to the NO_X Budget Trading Program established for compliance with the NO_X SIP Call.[18]

• *Timely submission of state-determined allocations to EPA.* The SIP revision must require the state to submit to EPA the amounts of any allowances allocated or auctioned to each unit for each control period (other than allowances initially set aside in the state's allocation or auction process and later allocated or auctioned to such units from the set-aside amount) by the following deadlines.[19] Note that the submission deadlines differ for amounts allocated or auctioned to units considered existing units for CSAPR purposes and amounts allocated or auctioned to other units.

CSAPR NO_X ANNUAL, CSAPR NO_X OZONE SEASON GROUP 1, CSAPR SO_2 GROUP 1, AND CSAPR SO_2 GROUP 2 TRADING PROGRAMS

Units	Year of the control period	Deadline for submission to EPA of allocations or auction results
Existing	2017 and 2018	June 1, 2016.
	2019 and 2020	June 1, 2017.
	2021 and 2022	June 1, 2018.
	2023 and later years	June 1 of the fourth year before the year of the control period.
Other	All years	July 1 of the year of the control period.

CSAPR NO_X OZONE SEASON GROUP 2 TRADING PROGRAM

Units	Year of the control period	Deadline for submission to EPA of allocations or auction results
Existing	2019 and 2020	June 1, 2018.
	2021 and 2022	June 1, 2019.
	2023 and 2024	June 1, 2020.
	2025 and later years	June 1 of the fourth year before the year of the control period.
Other	All years	July 1 of the year of the control period.

• *No changes to allocations already submitted to EPA or recorded.* The SIP revision must not provide for any change to the amounts of allowances allocated or auctioned to any unit after those amounts are submitted to EPA or any change to any allowance allocation determined and recorded by EPA under the Federal trading program regulations.[20]

• *No other substantive changes to Federal trading program provisions.* The SIP revision may not substantively change any other trading program provisions, except in the case of a SIP revision that also expands program applicability as described below.[21] Any new definitions adopted in the SIP revision (in addition to the Federal trading program's definitions) may apply only for purposes of the SIP revision's allocation or auction provisions.[22]

[14] In the context of the approval conditions for CSAPR-related SIP revisions, an ''existing unit'' is a unit for which EPA has determined default allowance allocations (which could be allocations of zero allowances) in the rulemakings establishing and amending CSAPR.

[15] 40 CFR 52.38(a)(4)(i), (a)(5)(i), (b)(4)(ii), (b)(5)(ii), (b)(8)(iii), (b)(9)(iii); 52.39(e)(1), (f)(1), (h)(1), (i)(1).

[16] *See* 40 CFR 97.412(b)(10)(ii), 97.512(b)(10)(ii), 97.612(b)(10)(ii), 97.712(b)(10)(ii), 97.812(b)(10)(ii).

[17] 40 CFR 52.38(a)(4)(i)(A), (a)(5)(i)(A), (b)(4)(ii)(A), (b)(5)(ii)(A), (b)(8)(iii)(A), (b)(9)(iii)(A); 52.39(e)(1)(i), (f)(1)(i), (h)(1)(i), (i)(1)(i).

[18] 40 CFR 52.38(b)(8)(iii)(A), (b)(9)(iii)(A).

[19] 40 CFR 52.38(a)(4)(i)(B)–(C), (a)(5)(i)(B)–(C), (b)(4)(ii)(B)–(C), (b)(5)(ii)(B)–(C), (b)(8)(iii)(B)–(C), (b)(9)(iii)(B)–(C); 52.39(e)(1)(ii)–(iii), (f)(1)(ii)–(iii), (h)(1)(ii)–(iii), (i)(1)(ii)–(iii).

[20] 40 CFR 52.38(a)(4)(i)(D), (a)(5)(i)(D), (b)(4)(ii)(D), (b)(5)(ii)(D), (b)(8)(iii)(D), (b)(9)(iii)(D); 52.39(e)(1)(iv), (f)(1)(iv), (h)(1)(iv), (i)(1)(iv).

[21] 40 CFR 52.38(a)(4), (a)(5), (b)(4), (b)(5), (b)(8), (b)(9); 52.39(e), (f), (h), (i).

[22] 40 CFR 52.38(a)(4)(i), (a)(5)(ii), (b)(4)(ii), (b)(5)(iii), (b)(8)(iii), (b)(9)(iv); 52.39(e)(1), (f)(2), (h)(1), (i)(2).

In addition to the general submittal conditions, a CSAPR-related abbreviated or full SIP revision seeking to expand applicability under the CSAPR NO_X Ozone Season Group 1 or CSAPR NO_X Ozone Season Group 2 Trading Programs (or an integrated state trading program) must meet the following further conditions:

• *Only electricity generating units with nameplate capacity of at least 15 MWe.* The SIP revision may expand applicability only to additional fossil fuel-fired boilers or combustion turbines serving generators producing electricity for sale, and only by lowering the generator nameplate capacity threshold used to determine whether a particular boiler or combustion turbine serving a particular generator is a potentially affected unit. The nameplate capacity threshold adopted in the SIP revision may not be less than 15 MWe.[23] In addition or alternatively, applicability under the CSAPR NO_X Ozone Season Group 2 Trading Program may be expanded to non-EGUs that would have been subject to the NO_X Budget Trading Program established for compliance with the NO_X SIP Call.[24]

• *No other substantive changes to Federal trading program provisions.* The SIP revision may not substantively change any other trading program provisions, except in the case of a SIP revision that also addresses the allocation or auction of emission allowances as described above.[25]

In addition to the general submittal conditions and the other applicable conditions described above, a CSAPR-related full SIP revision must meet the following further conditions:

• *Complete, substantively identical trading program provisions.* The SIP revision must adopt complete state trading program regulations substantively identical to the complete Federal trading program regulations at 40 CFR 97.402 through 97.435, 97.502 through 97.535, 97.602 through 97.635, 97.702 through 97.735, or 97.802 through 97.835, as applicable, except as described above in the case of a SIP revision that seeks to replace the default allowance allocation and/or applicability provisions.[26]

• *Only non-substantive substitutions for the term ''State.''* The SIP revision may substitute the name of the state for the term ''State'' as used in the Federal trading program regulations, but only to the extent that EPA determines that the substitutions do not substantively change the trading program regulations.[27]

• *Exclusion of provisions addressing units in Indian country.* The SIP revision may not impose requirements on any unit in any Indian country within the state's borders and must not include the Federal trading program provisions governing allocation of allowances from any Indian country NUSA for the state.[28]

IV. Indiana's SIP Submittal and EPA's Analysis

A. Indiana's SIP Submittal

In the CSAPR rulemaking, EPA determined that air pollution transported from EGUs in Indiana would unlawfully affect other states' ability to attain or maintain the 1997 Ozone NAAQS, the 1997 $PM_{2.5}$ NAAQS, and the 2006 $PM_{2.5}$ NAAQS, and included Indiana in the CSAPR ozone season NO_X trading program and the annual SO_2 and NO_X trading programs.[29] In the CSAPR Update rulemaking, EPA determined that air pollution transported from EGUs in Indiana would unlawfully affect other states' ability to attain or maintain the 2008 Ozone NAAQS.[30] Indiana's units meeting the CSAPR applicability criteria are consequently currently subject to CSAPR FIPs that require participation in the CSAPR NO_X Annual Trading Program, the CSAPR SO_2 Group 1 Trading Program, and the CSAPR NO_X Ozone Season Group 2 Trading Program.[31]

Indiana's November 27, 2017 SIP submittal would incorporate into the SIP CSAPR state trading program regulations that would replace the CSAPR Federal trading program regulations with regard to Indiana units' SO_2 and NO_X emissions. The SIP submittal includes Indiana Rules 326 IAC 24–5, 24–6, and 24–7. In general, each of Indiana's CSAPR state trading program rules is designed to replace the corresponding Federal trading program regulations. For example, Indiana Rule 326 IAC 24–5, NO_X Annual Trading Program, is designed to replace subpart AAAAA of 40 CFR part 97 (*i.e.,* 40 CFR 97.401 through 97.435).

With regard to form, some of the individual rules for each Indiana CSAPR state trading program are set forth as full regulatory text—notably the rules governing allocation of the state trading budgets among the state's EGUs—but most of the rules incorporate the corresponding Federal trading program section or sections by reference.

With regard to substance, the rules for each Indiana CSAPR state trading program differ from the corresponding CSAPR Federal trading program regulations in two main ways. First, the Indiana rules omit some Federal trading program provisions not applicable to Indiana's state trading programs, including provisions setting forth the amounts of emissions budgets, NUSAs, Indian country NUSAs, and variability limits for other states and provisions relating to EPA's administration of Indian country NUSAs. Second, the Indiana rules contain provisions that replace the default allowance allocation methodology and process from the FIPs with Indiana's own state-administered process. Indiana's methodology for determining allocations to existing units generally provides for allocations based on each unit's historical heat input subject to caps based on each unit's historical maximum emissions. Indiana's methodology for allocating NUSA allowances provides for allocations to new units based on each unit's recent historical emissions followed by allocations to existing units of any allowances not allocated to new units. These methodologies are similar to the methodologies used by EPA to determine the default allocations to existing units and to annually allocate NUSA allowances under the Federal trading programs. However, while EPA's default allocations to existing units are fixed for all future control periods, Indiana's methodology calls for allocations for each successive control period to be calculated using more recent data on the units' historical heat input and maximum emissions.

The Indiana rules adopt the Phase 2 NO_X Annual, SO_2 Group 1, and NO_X Ozone Season Group 2 budgets found at 40 CFR 97.410(a)(4)(iv), 97.610(a)(2)(iv), and 97.810(a)(5)(i), respectively. Accordingly, EPA will evaluate the approvability of the Indiana SIP submission consistent with these budgets.

B. EPA's Analysis of Indiana's SIP Submittal

1. Timeliness and Completeness of SIP Submittal

Indiana is seeking to replace EPA-determined allowance allocations with state-determined allocations starting with the 2021 control periods for all three CSAPR trading programs. For the

[23] 40 CFR 52.38(b)(4)(i), (b)(5)(i), (b)(8)(i), (b)(9)(i).

[24] 40 CFR 52.38(b)(8)(ii), (b)(9)(ii).

[25] 40 CFR 52.38(b)(4), (b)(5), (b)(8), (b)(9).

[26] 40 CFR 52.38(a)(5), (b)(5), (b)(9); 52.39(f), (i).

[27] 40 CFR 52.38(a)(5)(iii), (b)(5)(iv), (b)(9)(v); 52.39(f)(3), (i)(3).

[28] 40 CFR 52.38(a)(5)(iv), (b)(5)(v), (b)(9)(vi); 52.39(f)(4), (i)(4).

[29] 76 FR 48208, 48213 (August 8, 2011).

[30] 81 FR 74504, 74506 (October 26, 2016).

[31] 40 CFR 52.38(a)(2), (b)(2); 52.39(b); 52.789(a), (b); 52.790.

NO_X Annual and SO_2 Group 1 trading programs, under 40 CFR 52.38(a)(5)(i)(B) and 52.39(f)(1)(ii), the deadline for submission of state-determined allocations for the 2021 control periods is June 1, 2018, triggering a December 1, 2017 SIP submittal deadline for these programs under 40 CFR 52.38(a)(5)(vi) and 52.39(f)(6). For the NO_X Ozone Season Group 2 trading program, under 40 CFR 52.38(b)(9)(iii)(B), the allocation submission deadline for the 2021 control period is June 1, 2019, triggering a December 1, 2018 SIP submittal deadline for this program under 40 CFR 52.38(b)(9)(viii). Indiana submitted its SIP revision to EPA on November 27, 2017, and EPA has determined that the submittal complies with the applicable minimum completeness criteria in section 2.1 of appendix V to 40 CFR part 51. Indiana has therefore met the requirements for timeliness and completeness of its CSAPR SIP submittal for all three programs.

2. Methodology Covering All Allowances Potentially Requiring Allocation

In the rules for each Indiana trading program, section 2 adopts the full amount of the state's budget under the corresponding Federal program, sections 4 and 5 contain provisions replacing the corresponding Federal program's default allocations to existing units, and sections 6 and 7 contain provisions replacing the corresponding Federal program's provisions for allocating allowances from the NUSAs. There are no Indian country NUSAs for Indiana, making it unnecessary for Indiana's rules to contain provisions addressing the disposition of otherwise unallocated allowances from an Indian country NUSA after EPA has carried out the Indiana country NUSA allocation procedures. Indiana's rules therefore meet the condition under 40 CFR 52.38(a)(5)(i), 52.38(b)(9)(iii), and 52.39(f)(1) that the state's allocation methodology must cover all allowances potentially requiring allocation by the state.

3. Assurance That Total Allocations Will Not Exceed the State Budget

Indiana's rules provide for allocation of total amounts of allowances equal to the emissions budgets set for Indiana for the control periods in 2017 and subsequent years under the three CSAPR trading programs. Indiana's NO_X Annual trading budget is incorporated by reference in 326 IAC 24–5–2(a), Indiana's NO_X Ozone Season Group 2 budget is incorporated in 326 IAC 24–6–2(a), and Indiana's SO_2 Group 1 budget is incorporated by reference in 326 IAC 24–7–2(a). Because there are no Indian country NUSAs for Indiana, there is no possibility that additional allowances will be made available for allocation under the state's methodology, and EPA has not yet allocated or recorded CSAPR allowances for the control periods in 2021 or later years for Indiana units. Indiana's rules therefore meet the condition under 40 CFR 52.38(a)(5)(i)(A), 52.38(b)(9)(iii)(A), and 52.39(f)(1)(i) that, for each trading program, the total amount of allowances allocated under the SIP revision (before the addition of any otherwise unallocated allowances from an Indian country NUSA) may not exceed the state's budget for the control period less the amount of the Indian country NUSA for the state and any allowances already allocated and recorded by EPA.

4. Timely Submission of State-Determined Allocations to EPA

In the rules for each trading program, section 3 sets out the dates by which the state will submit state-determined allowance allocations to EPA. For existing units, by June 1, 2018, the state will submit allocations for the control periods in 2021 and 2022, and then, starting in 2019, by June 1 of every second year the state will submit allocations for the two control periods that are four and five years after the year of the submittal (for example, the submittal due by June 1, 2019 will include allocations for the 2023 and 2024 control periods). For NUSA allowances, for each control period the state will submit first-round allocations by July 1 of the year of the control period and second-round allocations by February 6 of the year after the control period. These dates match or precede the applicable deadlines for submittal of existing unit allocations in 40 CFR 52.38(a)(5)(i)(B), 52.38(b)(9)(iii)(B), and 52.39(f)(1)(ii) and the applicable deadlines for submittal of NUSA allocations in 40 CFR 52.38(a)(5)(i)(C), 52.38(b)(9)(iii)(C), and 52.39(f)(1)(iii), thereby meeting the conditions requiring allocations to be submitted before these deadlines.

5. No Changes to Allocations Already Submitted to EPA or Recorded

The Indiana rules do not include any provisions allowing alteration of allocations after the allocation amounts have been provided to EPA and no provisions allowing alteration of any allocations made and recorded by EPA under the Federal trading program regulations, thereby meeting the condition under 40 CFR 52.38(a)(5)(i)(D), 52.38(b)(9)(iii)(D), and 52.39(f)(1)(iv).

6. No Other Substantive Changes to Federal Trading Program Provisions

As discussed above, Indiana's rules generally incorporate by reference the corresponding provisions (including the definitions) of the Federal trading programs, except for the default Federal provisions addressing allowance allocations. The state has broad discretion to adopt any allowance allocation methodology, subject to limits on the total quantities of allowances allocated and the timing of submissions of allocation information to EPA. EPA believes that Indiana intends for the allocation provisions in its rules to adhere to the limits just noted, but EPA also identified several issues concerning provisions of the state rules that may not accurately reflect the state's intent in adopting the provisions, as discussed below. By letter to EPA dated June 11, 2018, the state has clarified its interpretation of these rule provisions.[32] EPA has confirmed that, as clarified, the only substantive changes in Indiana's rules concern allowance allocations, and that these changes do not exceed the state's broad discretion with regard to allowance allocations.

The first issue concerns instances where the text of two of Indiana's CSAPR rules indicates that references to the rules' allocation provisions should be substituted for certain references to the default Federal allocation provisions, but the state rule text does not accurately identify the default Federal provisions being replaced. Indiana has clarified that, in the state's NO_X Ozone Season Group 2 rule at 326 IAC 24–6–1(d)(3), the state interprets the rule text as replacing a reference to the default Federal allocation provisions at ''40 CFR 97.811(a)(2) and (b) and 97.812'', not ''40 CFR 97.811(a)(2) and (b) 97.812'' as currently written in the rule text, and that in the state's SO_2 Group 1 rule at 326 IAC 24–7–1(d)(3), the state interprets the rule text as replacing the default Federal allocation provisions at ''40 CFR 97.611(a)(2) and (b) and 97.612'', not ''40 CFR 97.611(a)(2) and 97.611(b)'' as currently written in the rule text. EPA agrees that the meaning of the rule text, as interpreted by the state, is clear from context.

The second issue concerns an inaccurate terminology definition that appears in all three of Indiana's CSAPR rules. In the nomenclature for the

[32] See the June 11, 2018 letter from Assistant Commissioner Keith Bauges to Regional Administrator Cathy Stepp, available in the docket.

equation to calculate second-round NUSA allocations at 326 IAC 24.5.7(a)(2)(B), 326 IAC 24.6.7(a)(2)(B), and 326 IAC 24.7.7(a)(2)(B), the rule text defines the term ''sum'' as ''the total amount of allocations under this subdivision''. In context, the definition of ''sum'' as written cannot be correct because it is circular with the term ''unit allowance'' in the same equation, and if the definition were correct, the only situation in which the two sides of the equation could be equal—*i.e.,* where the total number of allowances available for second-round NUSA allocations equals the sum of the eligible units' historical emissions less the sum of the eligible units' first-round NUSA allocations—is a situation in which the equation is not supposed to be used. In its letter, Indiana has clarified that the state interprets the term ''sum'' instead to mean ''the sum under this subdivision''—that is, subdivision (2)—which elsewhere in subdivision (2) is further defined as the ''the sum of the positive differences determined under subdivision (1)''. EPA agrees that the state's interpretation of the rule text is reasonable in context and notes that it causes the equation to allocate allowances in the same manner as EPA's default NUSA allocation methodology would allocate allowances in an analogous situation.

The third issue also arises in all three of Indiana's CSAPR rules and concerns a potential conflict between two requirements of the state's allocation methodology. The first requirement, set forth at 326 IAC 24–5–5(d)(3) and (e)(1), 326 IAC 24–6–5(d)(3) and (e)(1), and 326 IAC 24–7–5(d)(3) and (e)(1), caps the allocation from the state's ''existing unit budget'' to each individual existing unit at an amount based on the unit's historical emissions. The second requirement, set forth at 326 IAC 24–5–5(e)(3), 326 IAC 24–6–5(e)(3), and 326 IAC 24–7–5(e)(3), directs the state to repeat its allocation calculations ''until the entire existing unit budget is allocated.'' Under Indiana's allocation methodology, unlike EPA's default allocation methodology, the set of historical emissions data used to determine the caps on individual units' allocations is periodically updated, creating the possibility that for some future control period, the sum of the individual units' applicable caps will be less than the total amount of the existing unit budget, causing a conflict between these two requirements. In the clarification letter, Indiana acknowledges the potential for the conflict of the two requirements, however did not find this to be an issue for the 2021 and 2022 allocation cycles. Indiana will watch for this issue with future allocation cycles and will revise the SIP in a timely matter if it becomes necessary. This would include the possibility of an emergency rule if the normal rule process was not expeditious enough. EPA agrees that this is a reasonable approach if this becomes an issue in future allocation cycles.

EPA concludes that the state's allocation methodology, as clarified above, does not exceed the state's broad discretion regarding allowance allocations and that the state's rules make no other substantive changes to the Federal trading program provisions, thereby meeting the condition in 40 CFR 52.38(a)(5), 52.39(f), and 52.38(b)(9).

7. Complete, Substantively Identical Trading Program Provisions

As discussed above, the Indiana SIP revision adopts state budgets identical to the Phase 2 budgets for Indiana under the Federal trading programs and adopts almost all of the provisions of the Federal CSAPR NO_X Annual Trading Program, CSAPR SO_2 Group 1 Trading Program, and CSAPR NO_X Ozone Season Group 2 Trading Program, with the exception of differences in the allocation methodology. Under the state's rules, Indiana will determine allowance allocations beginning with the 2021 control periods.

With a few exceptions, the rules comprising Indiana's CSAPR state trading program for annual NO_X emissions either incorporate by reference or adopt full-text replacements for all of the provisions of 40 CFR 97.402 through 97.435; the rules comprising Indiana's CSAPR state trading program for NO_X ozone season emissions either incorporate by reference or adopt full-text replacements for all of the provisions of 40 CFR 97.802 through 97.835; and the rules comprising Indiana's CSAPR state trading program for SO_2 emissions either incorporate by reference or adopt full-text replacements for all of the provisions of 40 CFR 97.602 through 97.635. The major exception, which as discussed above is a permissible substantive change, is that Indiana has adopted rule provisions for a state-administered allocation methodology replacing the default EPA-administered allocation methodology. The additional minor exceptions discussed below are likewise either permissible or required.

The first additional exception is that the Indiana rules do not incorporate the provisions of 40 CFR 97.410(a) and (b), 97.810(a) and (b), and 97.610(a) and (b) setting forth the amounts of the Phase 1 emissions budgets, NUSAs, and variability limits for Indiana and the amounts of the Phase 1 and Phase 2 emissions budgets, NUSAs, Indian country NUSAs, and variability limits for other states. Omission of the Indiana Phase 1 emissions budget, NUSA, and variability limit amounts is appropriate because Indiana's state trading programs do not apply to emissions occurring in Phase 1 of CSAPR. Omission of the Phase 1 and Phase 2 budget, NUSA, Indian country NUSA, and variability limit amounts for other states from state trading programs in which only Indiana units participate does not undermine the completeness of Indiana's state trading programs. Indiana's rules incorporate or include full-text replacement provisions for the remaining provisions of 40 CFR 97.410, 97.810, and 97.610 that are relevant to trading programs applicable only to Indiana units during the control periods in 2021 and later years.

The second additional exception is that the Indiana rules do not incorporate 40 CFR 97.421(a) through (d), 97.821(a) through (c), and 97.621(a) through (d) setting forth the recordation schedules for allowance allocations for control periods in years before 2021. Omission of these provisions is non-substantive because Indiana's rules apply only to allocations for control periods in 2021 and later years.

The third additional exception is that the Indiana rules do not incorporate certain provisions of the Federal program regulations concerning EPA's administration of Indian country NUSAs. Omission of these provisions from Indiana's state trading program rules is required, as discussed below.

None of the omissions undermines the completeness of Indiana's state trading programs, and EPA has preliminarily determined that Indiana's SIP revision makes no substantive changes to the provisions of the Federal trading program regulations. Thus, Indiana's SIP revision meets the condition under 40 CFR 52.38(a)(5), 52.38(b)(9), and 52.39(f) that the SIP revision must adopt complete state trading program regulations substantively identical to the complete Federal trading program regulations at 40 CFR 97.402 through 97.435, 97.802 through 97.835, and 97.602 through 97.635, respectively, except to the extent permitted in the case of a SIP revision that seeks to replace the default allowance allocation and/or applicability provisions.

8. Only Non-Substantive Substitutions for the Term ''State''

Indiana's CSAPR program rules do not make any substitutions for the term

''State,'' rendering moot the condition in 40 CFR 52.38(a)(5)(iii), 52.38(b)(9)(v), and 52.39(f)(3) that any such substitutions must be non-substantive.

9. Exclusion of Provisions Addressing Units in Indian Country

Indiana Rules 326 IAC 24–5–1(a), 326 IAC 24–6–1(a), and 326 IAC 24–7–1(a) incorporate by reference the applicability provisions of the Federal trading program rules at 40 CFR 97.404, 97.804, and 97.604, respectively. There is no Indian country (as defined for purposes of CSAPR) within Indiana's borders, so the applicability provisions of the Indiana rules necessarily do not extend to any units in Indian country. In addition, Indiana's SIP revision excludes the Federal trading program provisions related to EPA's process for allocating and recording allowances from Indian country NUSAs (*i.e.,* 40 CFR 97.411(b)(2), 97.411(c)(5)(iii), 97.412(b), 97.421(h), and 97.421(j) for the NO_X Annual program; 40 CFR 97.811(b)(2), 97.811(c)(5)(iii), 97.812(b), 97.821(h), and 97.821(j) for the NO_X Ozone Season Group 2 program; and 40 CFR 97.611(b)(2), 97.611(c)(5)(iii), 97.612(b), 97.621(h), and 97.621(j) for the SO_2 Group 1 program). Indiana's SIP revision therefore meets the conditions under 52.38(a)(5)(iv), 52.38(b)(9)(vi), and 52.39(f)(4) that a SIP submittal must not impose any requirement on any unit in Indian country within the borders of the State and must exclude certain provisions related to administration of Indian country NUSAs.

V. What action is EPA taking?

EPA is proposing to approve Indiana's November 27, 2017, submittal, incorporating Indiana CSAPR rules in 326 IAC 24–5, 24–6, and 24–7, as a revision to Indiana's SIP. These state rules establish Indiana CSAPR state trading programs for annual NO_X, ozone season NO_X, and annual SO_2 emissions for units in the state. The Indiana CSAPR state trading programs would be integrated with the Federal CSAPR NO_X Annual Trading Program, the Federal CSAPR NO_X Ozone Season Group 2 Trading Program, and the Federal CSAPR SO_2 Group 1 Trading Program, respectively, and would be substantively identical to the Federal trading programs except for the allowance allocation provisions. If EPA approves the SIP revision, Indiana units would generally be required to meet requirements under Indiana's CSAPR state trading programs equivalent to the requirements the units otherwise would have been required to meet under the corresponding CSAPR Federal trading programs. This proposed approval also includes the repeal of Indiana CAIR rules which have been replaced by CSAPR for applicable EGUs. The rules being repealed from the SIP are 326 IAC 24–1, 24–2, and 24–3 (except 3–1, 3–2, 3–4, and 3–11). EPA is proposing to approve the SIP revision because it meets the requirements of the CAA and EPA's regulations for approval of a CSAPR full SIP revision replacing a Federal trading program with a state trading program that is integrated with and substantively identical to the Federal trading program except for permissible differences, as discussed in section IV above.

EPA promulgated FIPs requiring Indiana units to participate in the Federal CSAPR NO_X Annual Trading Program, the Federal CSAPR SO_2 Group 1 Trading Program, and the Federal CSAPR NO_X Ozone Season Group 2 Trading Program in order to address Indiana's obligations under CAA section 110(a)(2)(D)(i)(I) with respect to the 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, the 1997 ozone NAAQS, and the 2008 ozone NAAQS in the absence of SIP provisions addressing those requirements. Approval of Indiana's SIP submittal adopting CSAPR state trading program rules for annual NO_X, annual SO_2, and ozone season NO_X substantively identical to the corresponding CSAPR Federal trading program regulations (or differing only with respect to the allowance allocation methodology) would fully satisfy Indiana's obligation pursuant to CAA section 110(a)(2)(D)(i)(I) to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 1997 $PM_{2.5}$ NAAQS, the 2006 $PM_{2.5}$ NAAQS, and the 1997 ozone NAAQS in any other state and partially satisfy Indiana's corresponding obligation with respect to the 2008 ozone NAAQS.[33] Approval of the SIP submittal therefore would correct the same deficiency in the SIP that otherwise would be corrected by those CSAPR FIPs. Under the CSAPR regulations, upon EPA's full and unconditional approval of a SIP revision as correcting the SIP's deficiency that is the basis for a particular CSAPR FIP, the requirement to participate in the corresponding CSAPR Federal trading program is automatically eliminated for units subject to the state's jurisdiction (but not for any units located in any Indian country within the state's borders).[34] Approval of Indiana's SIP submittal establishing CSAPR state trading program rules for annual NO_X, annual SO_2, and ozone season NO_X emissions therefore would result in automatic termination of the requirements of Indiana units to participate in the Federal CSAPR NO_X Annual Trading Program, the Federal CSAPR SO_2 Group 1 Trading Program, and the Federal CSAPR NO_X Ozone Season Group 2 Trading Program.

In the SIP submittal, IDEM also requested approval of a revision to 326 IAC 26–1–5 replacing reliance on CAIR in the state's Regional Haze program with reliance on CSAPR. EPA will act on this request in a separate rulemaking.

VI. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Indiana rules 326 IAC 24–5, 326 IAC 24–6, and 326 IAC 24–7, effective November 24, 2017. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 5 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VII. 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 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

[33] As noted in footnote 2 above, in a separate action EPA has proposed to make a determination that, if finalized, would cause approval of this SIP revision to also fully satisfy Indiana's good neighbor obligation with respect to the 2008 ozone NAAQS.

[34] 40 CFR 52.38(a)(6), (b)(10)(i), 52.39(j); *see also* 52.789(a)(1), 52.789(b)(2); 52.790(a).

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, 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 30, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

[FR Doc. 2018–17357 Filed 8–13–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 170908881–8680–01]

RIN 0648–BH25

Subsistence Taking of Northern Fur Seals on the Pribilof Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to modify the subsistence use regulations for the Eastern Pacific stock of northern fur seals (*Callorhinus ursinus*) in response to a petition from the Aleut Community of St. Paul Island, Tribal Government (ACSPI). The Fur Seal Act (FSA) prohibits all taking of northern fur seals except in accordance with regulations authorizing Alaska Natives who reside on the Pribilof Islands (Pribilovians) to take northern fur seals for subsistence uses in compliance with a number of explicit regulatory restrictions. The proposed rule would simplify the existing regulations and would enable Pribilovians on St. Paul Island to resume traditional cultural practices that are prohibited by existing regulations, with no adverse consequences to northern fur seals at the population level. The proposed rule would streamline and simplify the regulations and otherwise eliminate several duplicative and unnecessary regulations governing St. Paul and St. George Islands.

DATES: Comments must be received no later than September 13, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0117 by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docket Detail;D=NOAA-NMFS-2017-0117,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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

A 2005 Final Environmental Impact Statement for Setting Annual Subsistence Harvest of Northern Fur Seals on the Pribilof Islands (EIS), 2014 Final Supplemental EIS for Management of Subsistence Harvest of Northern Fur Seals on St. George Island (SEIS), and 2017 Draft Supplemental EIS for Management of Subsistence Harvest of Northern Fur Seals on St. Paul Island (DSEIS) are available on the internet at the following address under the NEPA Analyses tab: *https://alaskafisheries.noaa.gov/pr/fur-seal.*

Electronic copies of the Regulatory Impact Review (RIR) prepared for this proposed action are available at: *https://alaskafisheries.noaa.gov/pr/fur-seal.*

A list of all the references cited in this proposed rule may be found on *www.alaskafisheries.noaa.gov/protectedresources/seals/fur.htm.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS at the above address and by email to Error! Hyperlink reference not valid.*OIRA_Submission@omb.eop.gov,* or fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Michael Williams, NMFS Alaska Region, (907) 271–5117, *michael.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

St. Paul Island and St. George Island are remote islands located in the Bering Sea populated by Alaska Native residents who rely upon marine mammals as a major food source and cornerstone of their culture. The taking of North Pacific fur seals (northern fur seals) is prohibited by the FSA unless expressly authorized by the Secretary of Commerce through regulation. Pursuant to the FSA (16 U.S.C. 1151–1175), it is unlawful, except as provided in the chapter or by regulation of the Secretary of Commerce, for any person or vessel subject to the jurisdiction of the United

States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States. (16 U.S.C. 1152). Section 105(a) of the FSA authorizes the promulgation of regulations with respect to the taking of fur seals on the Pribilof Islands as the Secretary of Commerce deems necessary and appropriate for the conservation, management, and protection of the fur seal population (16 U.S.C. 1155(a)). Regulations issued under the authority of the Fur Seal Act authorize Pribilovians to take fur seals on the Pribilof Islands if such taking is for subsistence uses and not accomplished in a wasteful manner (50 CFR 216.71).

The residents of St. Paul are currently authorized by regulations under the FSA Section 105 (16 U.S.C. 1155) to harvest male fur seals 124.5 cm or less in length for subsistence uses each year from June 23 until August 8 using traditional methods (50 CFR 216.72(e)). The residents of St. George are currently authorized to harvest male fur seals 124.5 cm or less in length for subsistence use each year from June 23 to August 8. The residents of St. George are also authorized to harvest male young of the year each year from September 16 through November 30 (50 CFR 216.72(d)).

For both Islands, the number of fur seals authorized to be harvested annually is currently established every three years, in accordance with 50 CFR 216.72(b), based on an estimate of the number of fur seals expected to satisfy the Pribilovians' subsistence requirements (*e.g.,* 82 FR 39044, August 17, 2017). Prior to 1985, the subsistence needs of the Pribilovians were met by utilization of the meat from the carcasses remaining after the commercial harvest for skins, which occurred from 1911 to 1984 (Veltre and Veltre 1987). After the end of the commercial harvest, the Pribilovians were prohibited from taking northern fur seals for subsistence uses in the absence of regulation promulgated under Section 105(a) of the FSA. NMFS promulgated the emergency interim rule for subsistence use of northern fur seals by Pribilovians in 1985 (50 FR 27914, July 8, 1985) and the emergency final rule for subsistence use of northern fur seals by Pribilovians in 1986 (51 FR 24828, July 9, 1986). The history of subsequent regulatory revisions can be found in the DSEIS for the management of the subsistence harvest of northern fur seals on St. Paul Island, Alaska, and in the 2014 SEIS for management of subsistence harvest of northern fur seals on St. George Island, Alaska (see **ADDRESSES**).

Northern fur seals were killed for their skins for at least 200 years on the Pribilof Islands (Scheffer *et al.,* 1984, and NMFS 2007). Northern fur seal population trends are most closely related to the number of females because a single territorial adult male inseminates multiple reproductive females. Thus, the number of males in the population is much less important to the stability of the population. This understanding of population dynamics provided the basis for the commercial harvest levels established under the FSA (Scheffer *et al.,* 1984). Gentry (1998) and NMFS (2007) summarized the extensive research on the direct and indirect effects of the commercial harvest on fur seal behavior and the population. NMFS has examined the abundance and trend of the population compared to the number of sub-adult male fur seals killed or harassed during the historical commercial harvest and later subsistence harvests. The harvest management and intensity of harvest changed drastically during the transition to subsistence use on St. George. Seals were harvested commercially five days a week during the month of July from all haulout areas through 1972, all harvests were prohibited from 1973–1975, and then, beginning in 1976, no more than four subsistence harvests were allowed per week from one or two haulout areas for a total of less than 300 sub-adult males harvested per year. The subsistence harvest beginning in 1976 took less than three percent of the average commercial harvest and did not change the population trend on St. George Island, indicating that the take of sub-adult males did not measurably affect the production of pups, distribution of seals, or other indices of the population (Gentry 1998).

Likewise, the transition from the commercial harvest to the subsistence harvest on St. Paul Island after 1984 indicated the subsistence harvests of sub-adult male fur seals did not adversely impact the production of pups, distribution of seals, or other indices of the population. The average number of sub-adult males killed annually in the subsistence harvest on St. Paul Island (an average of 924 fur seals annually over the period of 1985 to 2016) is less than 4 percent of the average number of males killed annually during the commercial harvest (25,176 fur seals from 1975 to 1984). The abrupt reduction from commercial harvest levels to subsistence harvest levels did not result in a corresponding change in the estimates of the number of pups born on St. Paul Island.

If the harvest of sub-adult males had an adverse effect on the fur seal population, NMFS would have expected to observe a change in estimated production of pups on St. Paul following the end of the commercial harvest in 1984. NMFS did not observe a statistically significant change in the estimate of pup production until after 1994. Thus, for both St. Paul and St. George Islands, when the harvest of sub-adult males was reduced by over 90 percent, there was no change in the trend of number of pups born, regardless of whether the underlying population trend was declining (as on St. George Island) or stable (as on St. Paul Island). Therefore, NMFS concluded in the 2014 St. George SEIS and the 2017 St. Paul DSEIS that subsistence harvest mortality of sub-adult male fur seals has not contributed to a detectable change in the population trends since the implementation of the subsistence use regulations. NMFS also assumes that some level of harassment occurs during the subsistence take of fur seals. NMFS analyzed the impact of harassment on non-harvested seals and concluded in the 2014 St. George SEIS and the 2017 St. Paul DSEIS that harassment associated with subsistence take would have minor short-term energetic effects on those seals.

Further, NMFS (2014, 2017), Fowler *et al.* (2009), and Towell and Williams (2014, unpublished) analyzed the direct mortality and harassment associated with authorizing the Pribilovians to take male pups for subsistence uses. Based on our understanding of fur seal ecology and modeling the response of the population to subsistence mortality of pups, these analyses conclude that the mortality of male pups results in fewer population consequences than a similar harvest of males older than two years because pups have a high level of natural mortality after weaning. NMFS therefore does not expect a detectable change in population trends from future subsistence harvests authorized under this proposed rule of up to 500 sub-adult male fur seals 124.5 cm or less in length (*i.e.,* sub-adult) on St. George (of which up to 3 may be female fur seals and of which up to 150 may be male pups authorized for harvest in 50 CFR 216.72(d)(6)–(d)(10)), which would continue the currently authorized methods and level of subsistence use. NMFS also does not expect a detectable change in population trends from future subsistence use authorized under this proposed rule of up to 2,000 juvenile fur seals on St. Paul (of which any number may be pups, but of the 2,000 authorized for subsistence use only up

to 20 may be female fur seals), which would continue the currently authorized level of subsistence use and modify methods and seasons, as explained further below.

For St. George Island, NMFS will continue to use the term ''sub-adult'' to refer to those fur seals authorized for subsistence use in the sub-adult season (50 CFR 216.72(d)(1) through (5)) and will continue to use the term ''young of the year'' to refer to those fur seals authorized for subsistence use in the male young of the year season (50 CFR 216.72(d)(6) through (10)). For St. Paul, NMFS proposes to authorize in 50 CFR 216.72(e) take by hunt and harvest of juvenile male fur seals, and NMFS proposes to define juvenile as non-breeding male fur seals less than seven years old (*i.e.,* including pups).

Petition for Rulemaking To Change Management on St. Paul Island

The process to change subsistence use management of northern fur seals on St. Paul Island began on February 16, 2007, with the receipt of tribal resolution 2007–09 from ACSPI. In that resolution, ACSPI requested NMFS immediately start the process to impose a moratorium on the regulations at 50 CFR 216, Subpart F or revise the regulations. On May 7, 2007, NMFS determined that an immediate moratorium was not warranted and that the co-management process described in the agreement between NMFS and ACSPI was the best means to determine what regulatory changes were needed to allow the community to meet its subsistence needs while continuing to promote the conservation of northern fur seals on St. Paul Island consistent with the MMPA and FSA.

On October 21, 2009, ACSPI submitted resolution 2009–57 with supporting information to NMFS as a basis to modify the regulations governing the subsistence use of northern fur seals on St. Paul Island. NMFS evaluated the resolution and worked with ACSPI over the next two years to clarify details of the request and supporting documents. Based on those clarifications, NMFS determined that there was adequate information to publish a notice of receipt of petition for rulemaking and opportunity for public comment under the Administrative Procedure Act (77 FR 41168; July 12, 2012). ACSPI subsequently approved resolution 2015–04, amending resolution 2009–57 to assist NMFS to respond to comments received on the petition. NMFS then published a Notice of Intent to prepare an SEIS to evaluate alternatives to managing the subsistence use of northern fur seals on St. Paul Island (80 FR 44057; July 24, 2015), and completed the DSEIS for public comment (82 FR 4336; January 13, 2017).

The DSEIS (NMFS 2017) analyzes the effects of the status quo, the petitioned alternative, and alternative subsistence use management regimes, and concludes that the subsistence use of up to 2,000 juvenile northern fur seals, of which up to 20 may be females killed during the subsistence use seasons, would have a minor effect on the population of about 483,086 fur seals residing seasonally on St. Paul Island and on the northern fur seal stock of about 620,660 animals total (Muto *et al.,* 2018). ACSPI petitioned NMFS to define the seals that may be taken for subsistence uses as ''juvenile'' male fur seals. A ''juvenile'' would be defined as seals less than 7 years old inclusive of pups. This proposed rule would not designate pups as a separate sub-category of juveniles because that distinction is unnecessary from a conservation perspective (per the analysis in NMFS 2017) and ACSPI seeks flexibility to harvest any male seals less than 7 years old. ACSPI also petitioned NMFS to remove a restriction on the length of seal that may be taken for subsistence use. The current regulations for St. Paul Island identify seals that may be taken for subsistence use as males 124.5 cm or less in length, and prohibit the subsistence use of pups. This length of male seal (124.5 cm or less) corresponds to an age range of two to four years old, and is called a ''sub-adult'' male in reference to those seals taken typically in the past commercial and subsistence harvests.

ACSPI petitioned NMFS to revise the subsistence use regulations, suggesting that four regulatory provisions were necessary to improve management of the subsistence use of northern fur seals on St. Paul Island: (1) Subsistence use of up to 2,000 juvenile male fur seals annually; (2) hunting of juvenile male fur seals from January 1 to May 31 annually using firearms; (3) harvesting of juvenile male fur seals from June 23 to December 31 annually without the use of firearms; and (4) co-management of subsistence use by ACSPI and NMFS under the co-management agreement. Subsequent discussions with ACSPI clarified that their request was to revise the co-management agreement signed in 2000 and to establish in a revised agreement a process to cooperatively manage and restrict subsistence use, such as location and frequency of harvesting and hunting, without additional regulatory provisions.

NMFS entered into a co-management agreement with the ACSPI in 2000 under Section 119 of the MMPA (16 U.S.C. 1388). The co-management agreement (available at *https://alaskafisheries.noaa.gov/pr/fur-seal*) established a Co-management Council with equal membership between NMFS and ACSPI to work cooperatively in the conservation and management of fur seals and Steller sea lions on St. Paul Island. The co-management agreement includes a guiding principle ''that provides for full participation by the Unangan of St. Paul, through the ACSPI, in decisions affecting the management of marine mammals used for subsistence purposes,'' including the management of subsistence use of northern fur seals. NMFS and ACSPI intend to revise and align the co-management agreement with the proposed rule. Specifically, the Co-management Council will use an adaptive management framework to make non-regulatory in-season adjustments to the locations, timing, and methods of subsistence use, within the regulatory parameters allowed by this proposed rule. The Co-management Council will use environmental, community, and subsistence use data and information to make in-season decisions regarding how the harvest is prosecuted, ensuring adherence to the regulatory limit on the subsistence use of up to 2,000 juvenile fur seals, of which up to 20 may be female fur seals killed during the subsistence use seasons.

Changes to Management on St. George Island

In 2006, the Traditional Council of St. George Island, Tribal Government (Traditional Council) petitioned NMFS to change the subsistence use management of northern fur seals on St. George. NMFS worked with the Traditional Council to clarify the petitioned changes and authorize the annual harvest of up to 150 male pups during a second season from September 16 to November 30 within the limits already established every three years under 50 CFR 216.72(b). The action included changes to the authorized subsistence use locations on St. George applicable to both pup and sub-adult harvests, as well as other regulatory provisions for conservation of fur seals.

In 2014, NMFS finalized the rule that authorized on St. George the harvest of up to 150 male pups, allowed harvests of sub-adults and pups at all areas capable of sustaining a harvest, added a harvest suspension provision if two females were killed during the year, and specified termination of the subsistence use seasons for the remainder of the year if three females were killed (79 FR 65327, November 4, 2014). NMFS

changed 50 CFR 216.74 to reflect that the Traditional Council and NMFS had developed a different subsistence management relationship under Section 119 of the MMPA. At that time, NMFS did not change the process used to establish the subsistence needs of the Pribilovians on St. George, so we continued to specify in the triennial notice in the **Federal Register** the lower and upper limit of the number of seals required to meet the subsistence needs on both Islands, per 50 CFR 216.72(b).

ACSPI petitioned the removal of 50 CFR 216.72(b), which is applicable to both Islands. In this proposed rulemaking, NMFS proposes to set in regulation the maximum number of seals that may be harvested on St. George Island (500), which is based on the upper limit established by NMFS (82 FR 39044, August 17, 2017) and agreed to by the Traditional Council since 1990. NMFS also proposes to remove duplicative or unnecessary regulations applicable to subsistence use on St. George based on the determination that the statutory take prohibition in the FSA does not also require regulatory prohibitions.

Population and Demographics

NMFS currently manages the northern fur seal population as two stocks in the U.S.: The Eastern Pacific and the San Miguel stocks. The Eastern Pacific stock includes northern fur seals breeding on St. Paul, St. George, and Bogoslof islands and Sea Lion Rock, AK. NMFS designated the Pribilof Islands northern fur seal population as depleted under the MMPA on May 18, 1988 (53 FR 17888). Loughlin *et al.* (1994) estimated approximately 1.3 million northern fur seals existed worldwide in 1992, and the Pribilof Islands (which later was designated the Eastern Pacific stock) accounted for about 982,000 seals (74 percent of the worldwide total). In 1995, NMFS included fur seals breeding on Bogoslof Island in the estimate of 1,019,192 northern fur seals for the Eastern Pacific stock (Small and DeMaster 1995). The population has decreased since then, and the 2017 estimate for the Eastern Pacific stock (including fur seals breeding on St. Paul, St. George, and Bogoslof islands and Sea Lion Rock) was 620,660 northern fur seals (Muto *et al.,* 2018). The annual pup production trends for the breeding islands in the Eastern Pacific stock from 1998 to 2016 vary between Islands: Pup production is declining (−4.12 percent) for St. Paul, stable with no trend for St. George, and increasing (+10.1 percent) for Bogoslof (Muto *et al.,* 2018). The causes of the different trends among breeding areas are unknown.

Northern fur seals seasonally occupy specific breeding and non-breeding sites. The age and breeding status of the seals are the main determinants of where they are found on land during the breeding and non-breeding season. Non-breeding males occupy resting sites commonly called ''hauling grounds or haulout areas'' during the breeding season and are excluded from the breeding sites (*i.e.,* rookeries) by adult males. Adult males defend territories on these breeding sites where females return from their winter migration to give birth, nurse their young, rest, and breed. Pregnant adult females begin to arrive from their winter migration as early as mid-June. The majority of adult females arrive around the second week of July. Older females arrive before younger females, and pregnant females arrive before non-pregnant females. Adult females land on the rookeries (breeding sites) where adult males immediately herd and retain them in territories until they give birth within two days after their arrival on land. After they give birth and remain on land for about six days, they enter estrous and breed before departing on their first of many multi-day foraging trips to sea and return to nurse their pups (Gentry 1998).

Territorial breeding males arrive on island in May and remain on the rookeries until mid-August, when most pregnant females have arrived and have given birth. Territorial adult males depart the rookery in August and are replaced by non-territorial, non-breeding adult males of similar size on the rookeries. Adult females and the pups remain at the rookeries until December, but they occupy a larger area that includes the rookery and haulout areas after territorial males have left the Islands for their migration.

Beginning about September 1, non-breeding males of all sizes can be found inter-mixed with breeding aged females and nursing pups on both rookeries and haulout areas. Scientists consider the non-breeding season to last from September through December. Thus from September through December all fur seals generally occupy similar terrestrial habitat, and there is little if any predictable separation among males and females as is found earlier in the year.

Pups begin to occupy separate areas from non-pups in September, and make daily transits among these areas while spending progressively more time in the water prior to weaning (Baker and Donahue 2000). Pups wean themselves beginning in late October, by leaving their birth site and spending the next 20–24 months at sea. All pups have left the islands where they were born by early December, and breeding-age females leave their breeding islands a few days after pups have departed on their winter migration. NMFS estimates that less than 10 percent of pups born die before weaning (MML unpublished data). NMFS also estimates that 50 to 80 percent of pups die after weaning and before they are two years old, which is when they would first return to the islands (Lander 1981, MML unpublished data).

Most fur seals first return to the islands when they are two years old, intermittently occupying non-breeding terrestrial sites from July through December. Older, non-breeding male seals arrive at the beginning of the terrestrial season earlier than younger seals. Non-breeding male fur seals rest on shore for about seven to ten days followed by intermittent at-sea foraging trips ranging from eight to twenty-nine days (Sterling and Ream 2004). All non-breeding fur seals migrate from their land resting sites (including on the Pribilof Islands) to the North Pacific Ocean and Bering Sea, where the fur seals are located from about December to June, when fur seals begin their annual return migration to their breeding and non-breeding, resting terrestrial sites (including those on the Pribilof Islands).

Male fur seals are sexually mature and begin to show secondary sexual characteristics (*e.g.,* growth of mane, prominent saggital crest, extreme growth of shoulders and neck) at about seven years old (Gentry 1998). Males are not physically capable of holding territories until they are eight years old, and most males that hold successful breeding territories are nine years old and hold breeding territories for about one season (Gentry 1998). About one-third of territorial males successfully breed, but about ten percent of the breeding males account for over 50 percent of all breeding each year (Gentry 1998). This information shows that very few adult males successfully defend and hold territories on land, even fewer breed, and fewer still account for most of the annual reproductive effort. In the following year, about 70 percent of those territorial adult males from the previous year will be replaced by new males and will not be the fathers of those pups who are born within the territories they hold.

Female fur seals can be distinguished from male fur seals based on size, canine tooth size, and whisker color. Male fur seals are larger at all ages, beginning at birth. Males grow faster

and larger than females. As male and female fur seals age their whiskers change color from all black (pup) to mixed black and white (two to seven years old) to all-white (older than seven). This whisker color distinction is important because a four-year-old male is similar in size to a six-year-old or older female, but the female's whiskers will be all-white and the male's whiskers will be mixed black and white. The size difference between males and females from birth to two years old is difficult to visually distinguish from a distance. Upon close inspection, the lower canine teeth of females are relatively narrower than a male's lower canine teeth. There are also some differences in fur coloration, head shape, and behavior between two- to four-year old males and females, but these characteristics are highly variable and prone to misclassification when considered alone.

Deregulation of the Subsistence Use of Northern Fur Seals

NMFS is proposing to remove duplicative and unnecessary regulatory restrictions, as detailed below. NMFS will continue to regulate the subsistence taking of fur seals on the Pribilof Islands by sex, age, and season, as contemplated in the emergency final rule that NMFS promulgated after the cessation of the commercial harvest of northern fur seals in 1984 (51 FR 24828, July 9, 1986). Subsistence use of northern fur seals on the Pribilof Islands will be subject to any changes proposed in this rule that become final.

Removal of Duplicative Regulatory Provisions Governing Subsistence Use on St. Paul and St. George Islands

Section 102 of the FSA broadly prohibits the ''taking'' of northern fur seals (16 U.S.C. 1152). The regulations governing subsistence harvest for St. Paul and St. George Islands include specific prohibitions on the take of certain age classes of fur seals and the intentional take of female fur seals (50 CFR 216.72(d)(5), (d)(9), (e)(4)). NMFS has determined that these specific regulatory provisions prohibiting take are duplicative of the more general statutory prohibition on ''taking'' in Section 102 of the FSA, and thus this proposed rule would remove these sections from 50 CFR 216.72:

(d)(5) Any taking of adult fur seals, or young of the year, or the intentional taking of sub-adult female fur seals is prohibited;

(d)(9) Any taking of sub-adult or adult fur seals, or the intentional harvest of young of the year female fur seals is prohibited; and

(e)(4) Any taking of adult fur seals or pups, or the intentional taking of sub-adult female fur seals is prohibited.

The removal of these duplicative regulatory restrictions will not result in any changes to subsistence use of northern fur seals on St. George Island or St. Paul Island.

NMFS has determined that the following provisions for St. Paul and St. George Islands are duplicative of the regulations (50 CFR 216.41) promulgated for permitting scientific research under the MMPA (16 U.S.C. 1361–1407) and authorizing stranding response under Section 403 of the MMPA (16 U.S.C. 1421b), and thus these sections are proposed to be removed from 50 CFR 216.72:

(d)(3) seals with tags and/or entangling debris may only be taken if so directed by NMFS scientists, and

(e)(6) seals with tags and/or entangling debris may only be taken if so directed by NMFS scientists.

When NMFS promulgated the above provisions in the subsistence harvest regulations, NMFS did not contemplate that the Pribilovians would apply for and obtain permits to conduct scientific research on fur seals or obtain authorization to respond to northern fur seals entangled in marine debris (51 FR 24828, 24836, 24838–39; July 9, 1986). Congress amended the MMPA to authorize the Marine Mammal Health and Stranding Program in 1992, and the regulatory process to obtain a scientific research permit was not completed until 1996 (61 FR 21926, May 10, 1996). NMFS therefore proposes to remove these provisions, relying instead on those regulatory processes established under the MMPA more recently to authorize taking associated with response to fur seals entangled in marine debris or previously tagged for scientific research. The removal of these duplicative regulatory restrictions will not result in any changes to the process to receive authorization for take associated with response to fur seals entangled in marine debris or previously tagged for scientific research.

Removal of Unnecessary Regulatory Provisions Governing Subsistence Use on St. Paul and St. George Islands

NMFS proposes to specify in regulation the maximum number of fur seals that may be killed for subsistence uses annually on each Island. The proposed rule would specify in 50 CFR 216.72(e) that Pribilovians on St. Paul may take by hunt and harvest up to 2,000 juvenile (less than 7 years old, including pups) fur seals per year for subsistence uses over the course of the hunting and harvest seasons, including up to 20 female fur seals per year. The proposed rule would specify in 50 CFR 216.72(d) that Pribilovians on St. George may take by harvest for subsistence uses up to 500 fur seals per year over the course of the sub-adult male harvest and the young of the year harvest, including up to 3 female fur seals per year. The proposed maximum harvest of fur seals to be authorized is based on the currently established upper limit of the subsistence need for each Island (82 FR 39044, August 17, 2017), which has been unchanged since 1992 for St. Paul Island and since 1990 for St. George Island.

NMFS also proposes to cease using a lower limit of the subsistence need and to eliminate references to the lower limit of the harvest range for regulations governing harvest on St. George of sub-adult male fur seals (50 CFR 216.72(d)(1)) and male young of the year fur seals (50 CFR 216.72(d)(6)); to eliminate in its entirety the provision at 50 CFR 216.72(b), which applies to both Islands and which establishes a process to re-assess every three years the subsistence requirements of the Pribilovians residing on St. Paul and St. George Islands; and to remove the provisions at 50 CFR 216.72(f)(1)(iii) and 216.72(f)(3), which are associated with the suspension of subsistence use when the lower limit of the range of the subsistence need is reached. NMFS also proposes to remove the provision in 50 CFR 216.72(f)(1)(i) that allows for the suspension of subsistence harvest on St. Paul Island or St. George Island if NMFS determines that the subsistence needs of the Pribilovians on that Island have been satisfied, and to remove the provision in 50 CFR 216.72(g)(2) that requires the termination of the subsistence harvest if NMFS determines that the upper limit of the subsistence need has been reached or if NMFS determines that the subsistence needs of the Pribilovians on either Island have been satisfied. NMFS proposes to revise the subsistence use termination provisions at 50 CFR 216.72(g) to be consistent with the proposed seasons for St. Paul and the subsistence use limits for each Island.

NMFS has determined that the existing regulatory approach to establishing the subsistence need on St. Paul and St. George Islands is no longer necessary for the following reasons: (1) The estimates of yield of edible meat per fur seal, which were used to approximate the number of seals thought to fulfill subsistence needs, overstated the actual yield of meat, and are no longer germane factors when evaluating the subsistence needs of Pribilovians; (2) the use of the lower and

upper limit of the subsistence requirement has not provided the expected flexibility to the Pribilovians to meet their annual subsistence needs and has proven to be an unnecessary restriction; (3) estimating the subsistence need based on nutritional, socio-economic, and cultural factors, as NMFS has done in more recent triennial estimates of subsistence need, results in a more realistic assessment of subsistence need than the exclusive use of nutritional factors as envisioned in the existing regulations; and (4) given the consistency of the determination of Pribilovians' subsistence needs for more than 25 years, codifying the maximum subsistence use levels in regulation would be much more efficient than continuing to revisit the subsistence need every three years. We explain each of these reasons below, which justify setting authorized take for subsistence use in regulation for each Island and which justify the additional regulatory provisions that NMFS proposes to modify or eliminate.

Biases in Estimated Edible Yield of Subsistence Harvested Fur Seals

As explained in this subsection, estimates of yield of edible meat per fur seal and percent-use were the basis for determining the number of seals for annual subsistence needs and were the basis for determining whether the subsistence harvest was being accomplished in a wasteful manner. However, the estimates of yield of edible meat per fur seal and percent-use overstated the actual yield of meat due to bias and inaccurate assumptions and are subject to continuing bias that NMFS cannot correct. NMFS therefore will no longer analyze subsistence need solely based on estimates of yield of edible meat and percent-use, and ACSPI and NMFS will work within the Co-management Council to identify and address any instances of wasteful taking. In addition, we remind readers that when referencing past taking for subsistence uses, we use the term ''sub-adult males'' to refer to two- to four-year old fur seals which generally fit the size limit in the regulations of 124.5 cm or less in length and that, while pups are less than 124.5 cm in length, they were prohibited from subsistence use for St. George until 2014 and are currently prohibited from subsistence use for St. Paul (50 CFR 216.72(e)(4)).

In 1985 and 1986, when the subsistence harvest was first being authorized, NMFS did not have any reliable means to establish the number of seals required to meet the subsistence needs of either St. George Island or St. Paul Island. As described in the emergency final rule regarding the subsistence taking of North Pacific fur seals (51 FR 24828, July 9, 1986), the commercial harvest for fur seal skins prior to 1985 had created an excess of meat for the subsistence needs of both communities, and disrupted the subsistence use patterns when compared to other Alaska Native communities (Veltre and Veltre 1987). For subsistence needs, NMFS used estimates of the yield of meat from an ''average'' commercially harvested seal as the basis for the subsistence levels established in the early years of the subsistence harvest regulations. NMFS assumed that a sub-adult male seal yielded a certain amount of meat, which was then used to calculate how many seals were needed to satisfy the nutritional needs of Pribilovians each year. The original estimate of the yield of meat per seal was from congressional testimony in 1914 that a sub-adult male fur seal dresses to 25 pounds of meat (50 FR 27914, 27916; July 8, 1985) and the May 7, 1987 notice (52 FR 17307) from measurements of harvested seals in 1985 (28.5 lbs) and in 1986 (24.4 lbs).

Public comments received by NMFS in the late 1980s questioned the Pribilovians' harvest practices and estimates of their subsistence need, and included accusations of wasteful taking and criticisms of the Pribilovians' use of the ''butterfly cut'' of seals. At the same time, the Pribilovians expressed frustration regarding the intrusive nature of harvest sampling, characterization of their subsistence use based on ''percent-use'' of the carcass, and the process to establish their subsistence need (55 FR 30919, July 30 1990). On August 1, 1991, the Humane Society of the United States filed an unsuccessful petition for a temporary restraining order to suspend the subsistence harvest (56 FR 42032).

In an attempt to resolve the controversy, NMFS and the ACSPI measured the percent use of the ''butterfly cut'' and ''whole cut'' from northern fur seal carcasses in terms of the actual yield of meat in 1992. This unpublished study measured the mass of meat, bone, and blubber from all body parts of the carcasses of three sub-adult males. One seal was three years old, the other was two years old, and the third was of unknown age. The actual yield of edible meat ranged from 11.9 to 15.9 pounds for seals that weighed from 44.6 to 58.1 pounds (NMFS unpublished data). The estimated yield of meat from this work in 1992 shows that the 1985 and 1986 estimates of yield of meat over-estimated the actual yield of edible meat by 35 to 52 percent depending on the size of the seal.

Further evaluation of the data from 1985 through 1991 that were used to estimate the yield of meat indicate previous weights reported were actually estimates of the total mass of the butterfly cut or whole cut, which included bones, fat, and connective tissue. In addition, the measures of edible meat from 1985 and 1986 do not account for the subsistence use of blubber, tongues, or flippers, items that are consumed in varying amounts locally (Veltre and Veltre 1987), but were not considered consistently by NMFS in the estimates of percent-use or yield. In the 1985 and 1986 estimates, NMFS measured and reported the percentage use of the carcass as the product of the mass of meat and bone of cuts divided by the total mass of the carcass. NMFS's approach resulted in a mean of 29.1 percent-use for the butterfly cut and 53.3 percent-use for the whole cut, a difference of about 24.2 percent, which was perceived as an indication of waste when using the butterfly cut versus using the whole cut.

By using the data of the actual edible meat (excluding bone) from 1992, the percent-use of meat divided by the total carcass weight would have ranged from about 18 percent-use for the ''butterfly cut'' to 27 percent-use for the whole cut. The traditional butterfly cut resulted in only a 9 percent difference (or about one pound of meat based on the average total seal weight) in the actual edible portion of meat when compared to the whole cut, which indicated the distinction between cuts was not significant or necessarily representative of waste. These results indicate that the old percent-use method overstated the amount of edible meat per seal by an even greater amount than acknowledged by NMFS based on data from all years prior to 1992. These results also support the Pribilovians' position that their subsistence use was not wasteful contrary to accusations of wasteful take that were based on the percent-use method (57 FR 34081, August 3, 1992).

NMFS also made inaccurate assumptions in the beginning of the subsistence period about the age of seals likely to be harvested for subsistence needs, which further biases the estimates of the number of seals needed for subsistence. Hanson *et al.* (1994) showed that St. Paul subsistence sealers chose to harvest three- and four-year old seals that were statistically smaller than the average sized seal of the same age in the population, which indicates sealers were selecting the smallest seals of those available. The selection of smaller seals for subsistence uses further reduces NMFS's previous over-estimates of yield of meat derived from the

commercial harvest. In addition, St. Paul and St. George residents have indicated they prefer a ''two-year old'' sized seal, an assertion that was confirmed using 1986 subsistence harvest data (Zimmerman and Melovidov 1987). Subsistence harvest monitoring data reported by Hanson *et al.,* (1994) indicated a continued preference for two-year old seals. The results of Hanson *et al.* (1994) have been confirmed by recent analysis of the average age of subsistence harvested seals from 1986–2016 on St. Paul Island (2.6 years) compared to commercially harvested seals from 1956–1984 (3.3 years) (MML unpublished data). On St. George Island, the subsistence harvest has occurred for 10 years longer than on St. Paul, and the average age of sub-adult males in the commercial harvest was 3.4 years versus 2.5 years in the subsistence harvest (MML unpublished data).

The proportion of two-year-old seals in the subsistence harvest for both Islands combined is about 47 percent, whereas during the commercial harvest two-year old seals represented about 8 percent of the total harvest for both Islands (MML unpublished data). Similarly, the proportion of four-year-olds decreased from about 32 percent of the commercial harvest to about 4 percent of the subsistence harvest based on data from both Islands (MML unpublished data). Thus smaller, younger seals represent a larger proportion of those seals taken in the subsistence harvest than the commercial harvest. Younger, smaller seals provide a lower yield of meat than the older, larger seals harvested commercially, and represent another uncorrected bias in the previous estimates of yield per seal and in the process to estimate the number of seals necessary to meet the Pribilovians' subsistence need.

Even if NMFS were to correct for age-related bias and fix inaccurate assumptions in previous methodologies to calculate future estimates of yield of meat to estimate the number of seals for subsistence needs, such estimates would remain biased and inaccurate. Baker *et al.* (1994) reported that particular year classes showed statistically different rates of body mass increase in the first few years of life. For example, three year old male fur seals born in 1987 were significantly lighter than three year olds born in 1988 and 1989 (Baker *et al.* 1994). Caruso and Baker (1996) compared the weights of two-, three-, and four-year old males from the subsistence harvest and found that two- and three-year old males from 1992 were significantly heavier (1.4 kg heavier for a two-year old) than similar-aged seals harvested in 1991, 1993, or 1994. Thus, environmental conditions can influence the size and growth of young seals and bias estimates of the yield of meat per seal among year classes. NMFS currently does not have a means to correct estimates of growth or average size at age to account for environmental variation.

Based on this analysis of the yield of edible meat from the subsistence harvest and the lack of information to correct the biases identified in the estimates of percent-use and yield of meat, NMFS no longer sees value in characterizing the subsistence need based on percent-use or yield of edible meat. Instead, as explained later in this proposed rule, NMFS will consider a combination of nutritional, socio-economic, and cultural factors, as well as the consistency of prior determinations of subsistence needs over time, to estimate and set in regulation through this proposed rule the number of seals needed annually for subsistence purposes on St. Paul and St. George Islands. Furthermore, ACSPI has instituted a practice whereby the whole cut is removed from the killing field in all instances, and the butterfly cut is no longer used (62 FR 17775, April 11, 1997). With regard to concerns about the potential for wasteful harvest practices in the future, NMFS will work within the Co-management Councils for St. Paul and St. George to ensure accurate monitoring to detect and address whether subsistence use is being accomplished in a wasteful manner. In addition, this proposed action does not change the regulatory provision that the take of fur seals must be consistent with 50 CFR 216.71 (*i.e.,* (a) for subsistence uses, and (b) not accomplished in a wasteful manner).

NMFS's Use of the Upper and Lower Limit of the Estimated Subsistence Need

The existing regulations call for establishing the upper and lower limit (*i.e.,* the range) of the subsistence need in order to provide flexibility to the Pribilovians while also limiting the harvest to the legitimate subsistence need within that range (51 FR 24828, July 9, 1986). The lower limit, if reached, results in a 48-hour temporary suspension, but the lower limit could be exceeded if NMFS is given written notice by the Pribilovians seeking additional seals for subsistence uses as described in 50 CFR 216.72(f)(3). As explained next, this regulatory approach has not provided flexibility in the timing of the harvest and the availability of harvesters to ensure that Pribilovians can fulfill their subsistence needs. In addition, this regulatory approach has proven burdensome for both Pribilobians and NMFS to administer and manage. NMFS therefore proposes to eliminate in its entirety the provision at 50 CFR 216.72(b), as well as related regulatory provisions regarding the lower and upper limits and the associated suspension and termination provisions.

Since 1985, NMFS has used numerous methods to establish the range, but has frequently received public comments indicating disagreements about the consistency of implementation (*e.g.,* 55 FR 30919, July 30, 1990). The Pribilovians have requested additional seals above the lower limit twice each on St. Paul (in 1987 and 1991) and St. George (in 1991 and 1993). In 1990, NMFS reduced the subsistence needs of the Pribilovians to the lowest level during the subsistence period to range from 181 to 500 on St. George and 1,145 to 1,800 on St. Paul (55 FR 30919, July 30, 1990). In 1991, NMFS proposed the range of subsistence need at the 1990 levels (56 FR 19970, May 1, 1991). NMFS was unable to establish a method acceptable to all stakeholders to determine the Pribilovians' subsistence need, and in the final notice, NMFS used the 1990 range of the subsistence need for 1991 (56 FR 36735, August 1, 1991). The Tribal Governments from St. Paul and St. George requested additional seals above the lower end of their respective ranges in 1991. NMFS authorized the Pribilovians to continue harvesting up to 100 additional seals on St. George and 500 additional seals on St. Paul from July 31 until August 8, 1991 (56 FR 42032, August 26, 1991).

The Humane Society of the United States filed a motion for a Temporary Restraining Order on August 1, 1991, which challenged the August 1 final notice for subsistence use in 1991 (56 FR 36735). The order was denied on August 5, 1991: the court upheld NMFS's determination that the harvest was not being conducted in a wasteful manner and that the accusations of waste were overstated (*Humane Soc'y of the United States* v. *Mosbacher,* Civ. A. No. 91–1915, 1991 WL 166653 (D.D.C. Aug. 5, 1991); 56 FR 42032, August 26, 1991). NMFS held a workshop in November 1991 and determined the household survey conducted by the tribal councils would be the agreed-upon method to establish the subsistence need (57 FR 22450, May 28, 1992).

NMFS established the 1992 subsistence need based on household surveys by the Tribal Governments of St. Paul and St. George, but in addition requested that the Pribilovians

substantiate any request to exceed the lower limit of the range (57 FR 34081, August 3, 1992). NMFS questioned the estimates of subsistence need from household surveys in 1992 and 1993, because the tribal government could not survey all households in advance of each harvest season. The Pribilovians extrapolated the subsistence need to account for the un-surveyed/non-responsive households, but a final method to account for these households could not be agreed upon.

The St. George Traditional Council indicated on February 10, 1993 that they would require 407 seals to meet their subsistence need (58 FR 32892, June 14 1993). NMFS concluded that since St. George harvested fewer seals (194) than the lower level of the estimated 1992 range of subsistence need (281) and the average harvest over the past 5 years was 187, that NMFS would not use the 1993 St. George subsistence needs request based on their household survey data and instead used the lower level of the range from 1992. The community of St. George harvested 298 seals by August 3, 1993 (17 seals greater than the lower level of the range), and the Traditional Council requested additional seals during the temporary harvest suspension (58 FR 58297, November 1, 1993). NMFS approved the harvest of 44 more seals by St. George (325 total seals) after requesting and receiving information to substantiate their request (58 FR 32892, June 14 1993). St. George harvested 319 seals by August 8, 1993.

In the 1993 household survey of subsistence needs on St. Paul, about one-third of the households responded to the tribal government's survey, resulting in an estimate of 842 seals needed to meet their stated subsistence need. NMFS did not extrapolate to account for non-responsive households on St. Paul and instead indicated that there had not been significant changes in demography or economics in 1993 compared to 1991 and 1992 to warrant such a dramatic reduction in need, and NMFS determined that the estimated subsistence need for St. Paul would remain 1,645 to 2,000 in 1993 (58 FR 32892, June 14, 1993). St. Paul harvested 1,518 seals in 1993.

In 1994, NMFS set the range based on household survey results from the tribal governments that indicated similar results from previous years and thus the range of the subsistence need was set at the same level as in 1993, but applied through 1996 (59 FR 35471, July 12, 1994). In December 1996, after NMFS requested the tribal governments indicate their subsistence needs for the 1997–1999 period, ACSPI indicated their subsistence need range could remain the same (1,645 to 2,000 seals), and the St. George Traditional Council requested the lower limit be increased from 281 to 300 seals and the upper limit be retained at 500 seals (62 FR 33374, June 19, 1997). The tribal governments from both Islands indicated to NMFS in 1999, 2002, 2005, 2008, 2011, 2014, and 2017 that the subsistence ranges should be maintained at these lower and upper limits to meet their subsistence needs (see *https://alaskafisheries.noaa.gov/pr/fur-seal*). After NMFS had signed cooperative agreements with the tribal governments on St. Paul and St. George Islands, the subsistence needs were discussed annually during co-management meetings and considered in a more collaborative and holistic process.

The lower limit and regulatory suspension process required under the existing regulations have proven to be barriers to harvesting within the range established as ''meeting the subsistence need'' at the peak of community participation and availability of preferred seals. If the lower limit of the subsistence need is reached, NMFS must suspend the harvest for up to 48 hours per 50 CFR 216.72(f)(1)(iii). Practically, this usually occurs in early August after most harvests have occurred and as the number of two-year-old males landing on the hauling grounds is rapidly increasing (Bigg 1986). Thus, the preferred age-class (two years old) is more easily available to subsistence users at this time, but very little time remains in August to harvest this preferred age-class and to meet the subsistence need of the Pribilovians.

Once the lower limit is reached, NMFS must determine whether the subsistence needs of the Pribilovians have been satisfied, and if not, must provide a revised estimate of the number of seals required to meet those subsistence needs (50 CFR 216.72(f)(3)). Thus, when the lower limit is reached, Pribilovians must collect information through surveying or querying the community and provide that information in writing to support that their subsistence need falls above the lower limit but below the upper limit of the range previously established as meeting their subsistence need (*e.g.,* 56 FR 36736, August 1, 1991). In those years when the actual subsistence use reached the lower limit of the range of the subsistence need established previously in the **Federal Register** notice, it was in the Pribilovians' best interest to conduct an additional house-to-house survey to establish an interim limit less than the upper limit to substantiate their subsistence need (59 FR 35474, July 12, 1994).

After the Pribilovians submit information to NMFS, NMFS must then substantiate the request to exceed the lower limit by making the determination that the Pribilovians (1) have not yet satisfied their subsistence need, (2) have not conducted wasteful take, and (3) have identified the number of seals required to meet the additional need (56 FR 36736, August 1, 1991). Often this process was too cumbersome administratively, for both NMFS and the Pribilovians. The 48-hour suspension when the lower limit was reached would occur during the last few days of the season, requiring Pribilovians to document their needs above the lower limit and NMFS to determine those newly documented needs were justified before the end of the season. This caused administrative delays that left too few days for additional harvesting of seals, including the harvest of the preferred age of seal. Such a process does not create flexibility that would allow the Pribilovians to meet their subsistence needs when the lower limit is reached.

Finally, a fundamental problem with using the previous year's actual harvest or an average of prior harvests to establish the allowable future harvest is that it creates an incentive for users to harvest as much as allowed in order to maintain future food security, particularly because many factors can force Pribilovians to harvest fewer seals each year, regardless of their particular annual needs. Decreased harvest levels in a given year would effectively reduce the lower limit in subsequent years, while ignoring factors that affect harvest levels, including: Normal year-to-year variability in seal size; the Pribilovians' preference for smaller seals; the limited availability of two-year-old seals until late in the harvest season; the availability of wage earning jobs on both Islands that conflicts with the subsistence season; and the availability of experienced sealers (58 FR 32892, June 13, 1993). These factors may result in diminished allowable harvest over time that could amplify the perverse incentive to harvest more seals than necessary in a given year to preserve the allowable harvest level for future years.

To avoid these problems, NMFS proposes to stop publishing a range with a lower limit of subsistence need. Instead NMFS proposes to set a fixed harvest limit that accounts for expected and unexpected year-to-year variability in the availability of fur seals based on environmental factors and the availability of subsistence users to participate based on economic, social,

and other factors. Because NMFS would cease using a range with a lower limit, NMFS proposes to eliminate references to the lower limit of the range in the regulations governing use on St. George of sub-adult male fur seals (50 CFR 216.72(d)(1)) and male young of the year fur seals (50 CFR 216.72(d)(6)). NMFS also proposes to remove the requirements in 50 CFR 216.72(f)(1)(iii) and (f)(3) for NMFS to determine whether the Pribilovians' subsistence needs have been satisfied because they will already be established in the regulations. The proposed regulatory changes will reduce the household survey burden for Pribilovians on both St. Paul and St. George Islands and will also remove the cumbersome administration of the harvest suspension provisions and determinations that apply when the lower limit of the range was reached. NMFS would still annually evaluate whether the subsistence uses are being accomplished in a wasteful manner (per 50 CFR 216.71(b)), and the proposed rule does not eliminate the existing regulatory provision that allows the suspension of the subsistence harvest if the harvest is being conducted in a wasteful manner (50 CFR 216.72(f)(1)(ii)).

Estimating the Subsistence Need Should Include Consideration of Nutritional, Socio-Economic, and Cultural Factors

NMFS has determined that to satisfy the Pribilovians' subsistence requirement for northern fur seals, estimates of subsistence need must reflect a combination of nutritional, socio-economic, and cultural needs (see Veltre and Veltre 1987). During the late 1980s, NMFS used simple nutritional factors to estimate the subsistence needs of the Pribilovians. As described previously, NMFS used historical information from the villages of St. Paul and St. George and from other Alaska Native communities to estimate a range of the amount of meat required as a product of the yield and number of seals killed. NMFS has continued to estimate annual subsistence harvest based on the nutritional needs of the Pribilovians, while recognizing that other factors should be considered.

After the petition for a temporary restraining order and a subsequent subsistence workshop in 1991, NMFS acknowledged that subsistence need includes cultural aspects of the use of fur seals by Alaska Natives, as well as providing a traditional food (57 FR 22450, May 28, 1992). Pribilovians have indicated most recently in their comments on the DSEIS that the overlap in the timing of the local halibut fishery and current 47-day fur seal harvest season forces families to choose between producing income in the halibut fishery and obtaining fur seals. In the late 1980s the Pribilovians did not have the resources (*i.e.,* large enough boats or gear) or opportunity (*i.e.,* fishing was managed as limited entry until the passage of the Fisheries Conservation and Management Act in 1976) to participate in local commercial halibut fisheries, so they fished for subsistence when practical. In the late 1980s through 1992 there were on average 16 fur seal harvests on St. Paul Island per year, which has gradually diminished such that from 2002 to the present the Pribilovians averaged eight harvests per year. In 1995, Pribilovians were authorized to commercially fish for halibut through individual fishing quotas and later community development quotas. Thus, fur seal harvests changed from commercial to subsistence activities, and halibut fishing changed from subsistence to commercial economic enterprises. Because the subsistence season for fur seals overlaps with the commercial halibut season, many Pribilovians have no choice but to limit the time they spend obtaining fur seals for subsistence uses while they pursue cash-paying jobs in the halibut fishery. Other regulatory limits that prescribe who may harvest, where, and how further undermine the opportunities for Pribilovians to engage in the subsistence harvest of fur seals. As their sealing opportunities have diminished under the current regulations, Pribilovians have lost opportunities to share with elders and the community at large, teach harvesting and hunting skills to the next generation, collect seal parts for the creation of authentic Native handicrafts, and participate in cultural ceremonial events. As these ties to their culture have waned, it becomes more difficult to foster cultural traditions and instill the associated values within the community. The proposed creation of two seasons and multiple methods to take fur seals recognizes the important cultural values of the hunting and harvesting of fur seals, and will provide Pribilovians more flexibility to foster their own cultural traditions and values.

The Pribilof Islands are considered a hybrid economy (Huskey 2004) where subsistence use, market forces, and government transfers contribute to a village's ability to maintain a self-sufficient economy. Members of the public who live in rural areas like the Pribilof Islands value (nutritionally and socio-economically) wild and store bought foods differently than residents from urban areas. NMFS (2017) has evaluated how the concept of food security provides a more balanced approach to estimating the subsistence need in coastal communities such as St. Paul and St. George. From the aspect of nutrition and food security, fur seals represent an available, accessible, fresh, and safe source of traditional food for Pribilovians. Subsistence opportunities connect community members and relatives through food sharing and cooperative hunting and harvesting efforts. Opportunities for subsistence use of fur seals preserve the Pribilovians' traditional skills, cultural values, and knowledge, and enable the passing of cultural values on to younger subsistence users. Thus, unnecessarily restricting the opportunities for subsistence communities to obtain wild resources, such as fur seals, would not only result in the deterioration of nutrition, public health, and social stability, but also a critical component of their unique local culture. This combination of traditional and modern lifestyles helps to sustain the Pribilof cultural identity and provides a measure of economic and food security by providing an alternative to obtain food in newly emerging cash- and wage-based economic systems (Huskey 2004). The proposed approach to addressing the subsistence needs of Pribilovians is more environmentally, socially, and economically sustainable, and safeguards food security, cultural traditions, and economic surety by allowing the Pribilovians a greater role in the in-season monitoring and management (see following Co-management discussion). This approach to establishing the subsistence need improves upon the one previously used by NMFS that relied exclusively on the nutritional aspects.

Based on the cultural values of subsistence use and the need for food security for the Pribilovians, NMFS proposes to codify a regulatory threshold of 2,000 fur seals less than 7 years old, of which up to 20 may be females killed during the subsistence use seasons annually, for St. Paul. Similarly for St. George, the regulatory threshold will be 500 male fur seals during the subsistence use seasons annually, of which up to 3 may be females killed, and which also would include in each year up to 150 male pups (see 50 CFR 216.72(d)(6)–(d)(10)). This approach maintains the maximum harvest level that has been authorized every year since 1992 for St. Paul and since 1990 for St. George (82 FR 39044, August 17, 2017), and maintains the allowable pup harvest for St. George (79

FR 65327, November 4, 2014), but better reflects a holistic consideration of nutritional, socio-economic, and cultural factors of subsistence use. In addition, this approach will streamline the administration of the harvest, reduce the household survey burden on St. Paul and St. George, and provide a sustainable maximum harvest level that accounts for the prevailing socio-economic conditions and abundance of the fur seal population on the Pribilof Islands. As addressed earlier in the BACKGROUND section, NMFS does not expect a detectable change in population trends from take associated with future subsistence use of hunting or harvesting up to the annual regulatory thresholds for each Island.

The actual number of seals killed for subsistence uses in a given year can be dependent upon the seasonal availability of fur seals and other food resources, as well as average body mass of harvested seals, environmental variability, and the availability of harvesters. If socio-economic conditions or the fur seal population status change, NMFS can evaluate whether a change in the regulatory limits of the subsistence use is warranted.

Simplification of Regulation of Subsistence Use Based on Consistency of the Determination of Pribilovians' Subsistence Needs for More Than Twenty-Five Years

The Pribilovians have stated in their past public comments that their harvest was not wasteful. They have also indicated that efforts to institute intrusive sampling during early years of the subsistence harvest, perceived micro-managing of the harvest method, and inconsistent application of methods to determine the subsistence need ultimately resulted in reduced estimates of their subsistence need over time, even though biologically the harvest of males would be sustainable at levels higher than proposed in this rule (52 FR 26479, July 15, 1987; 56 FR 36739, August 1, 1991; 77 FR 41168, July 12, 2012; 75 FR 21243, April 23, 2010). To respond to concerns of perceived micro-managing and alleged inconsistent methodologies to determine subsistence need, NMFS proposes to simplify and streamline the existing regulatory approach by establishing in regulation the subsistence need for both St. Paul and St. George Island, by removing an annual harvest suspension determination that was based on whether subsistence need that year was satisfied, and by revising harvest termination provisions to be consistent with proposed changes to seasons and subsistence use limits.

Codification in regulation of the maximum level of subsistence use is based in part on the consistency of the prior determinations of subsistence needs over time, as well as on the consideration of other nutritional, socio-economic, and cultural factors (addressed above). Under 50 CFR 216.72(b), every three years NMFS must publish in the **Federal Register** a summary of the Pribilovians' fur seal harvest for the previous three-year period and an estimate of the number of fur seals expected to satisfy the subsistence requirements of Pribilovians in the subsequent three-year period. Through that process, NMFS has set the maximum allowable harvest at 500 seals per year for St. George Island every year since 1990 and 2,000 seals per year for St. Paul Island every year since 1992. NMFS has set the annual maximum allowable use of fur seals for subsistence uses based on NMFS's consistent determination of the number of seals that would satisfy the subsistence requirements for each Island. Given the consistent determination on the upper limit of subsistence needs for the two communities and the sustainable nature of that level of harvest (NMFS 2014, NMFS 2017), codifying the allowable harvest levels in regulation would be more efficient than continuing to revisit the subsistence need every three years. If NMFS finalizes this new and more streamlined approach to the regulations and circumstances later change, NMFS can initiate rulemaking to revisit the allowable harvest levels under the authority of the FSA. Under the Co-management Agreements, the ACSPI and NMFS will continue to cooperatively manage subsistence use on St. Paul Island, and the St. George Traditional Council and NMFS will continue to cooperatively manage subsistence use on St. George Island.

In addition, NMFS proposes to remove the provision at 50 CFR 216.72(f)(1)(i), which allows for the suspension of subsistence harvest on St. Paul Island or St. George Island if NMFS determines that the subsistence needs of the Pribilovians on that Island have been satisfied. Under this proposed rule, NMFS would set in regulation the annual subsistence needs of each Island, which will reflect and respect the many factors that influence subsistence need on each Island. Based on the proposed codification in regulation of annual subsistence need, the regulatory provisions that currently require NMFS to determine if subsistence needs are satisfied, suspend the harvest, and notify the Pribilovians of this suspension would be unnecessary and irrelevant, and removal of this provision (50 CFR 216.72(f)(1)(i)) will further simplify and streamline the regulations.

Finally, NMFS proposes to revise the subsistence use termination provisions at 50 CFR 216.72(g) to be consistent with the new seasons for St. Paul and the subsistence use limits for each Island. Currently, 50 CFR 216.72(g)(1) terminates the harvest seasons for St. Paul and St. George Islands on August 8 and for the St. George male young of the year harvest season on November 30 and requires NMFS to determine whether the annual subsistence needs on both Islands have been satisfied. Currently, 50 CFR 216.72(g)(2) requires the termination of the subsistence seasons on either Island if NMFS determines that the upper limit of the subsistence need has been reached or if NMFS determines that the subsistence needs of the Pribilovians on that Island have been satisfied.

Under this proposed rule, 50 CFR 216.72(g)(1) would be revised to apply only to St. Paul Island and: (i) For the hunting of juvenile male fur seals with firearms, would terminate the season at the end of the day on May 31 or when 2,000 fur seals have been killed during the year, whichever comes first; (ii) for the harvest of juvenile male fur seals without firearms, would terminate the season at the end of the day on December 31 or when 2,000 fur seals have been killed during the year, whichever comes first; or (iii) would terminate the subsistence use seasons when 20 female fur seals have been killed during the year.

In addition, 50 CFR 216.72(g)(2) would be revised to apply only to St. George Island and: (i) For the sub-adult male harvest, would terminate the season at the end of the day on August 8 or when 500 sub-adult male seals have been harvested during the year, whichever comes first; (ii) for the male young of the year harvest, would terminate the harvest at the end of the day on November 30 or earlier if the first of either the following occurs: 150 Male young of the year fur seals have been harvested or a total of 500 sub-adult male fur seals and male young of the year fur seals have been harvested during the year; or (iii) would terminate the subsistence harvest seasons when 3 female fur seals have been killed during the year.

The Assistant Administrator would no longer need to make an annual determination of whether the subsistence needs of the Pribilovians have been satisfied, because the proposed rule would establish annual limits for St. Paul Island and St. George Island, including the limit on the

number of female fur seals that may be killed during the year for St. Paul and St. George Islands, and would set two seasons for St. Paul Island, as discussed next.

Regulatory Changes to the Management of Subsistence Use on St. Paul Island

NMFS established in the emergency final rule (51 FR 24828, July 9, 1986) that the original harvest season would occur from June 30 through August 8, with the opportunity to extend the harvest until September 30 if certain conditions were met. The ACSPI and Tanadgusix Corporation (the local Alaska Native Corporation created by Alaska Native Claims Settlement Act) requested a season from June 30 through September 30, in order to meet their subsistence need (51 FR 24828, July 9, 1986). NMFS removed the provisions to extend the subsistence harvest in 1992, citing the inability of Pribilovians to distinguish and avoid immature females during previous harvest extensions and authorized the season to start a week earlier on June 23 (57 FR 33900, July 31, 1992). The current subsistence regulations for St. Paul Island define a single season from June 23 through August 8 to harvest male fur seals 124.5 cm long or less (50 CFR 216.72(e)(2), (e)(5), (g)(1)).

During the 1980s and 1990s, NMFS and the Pribilovians were adjusting to the subsistence regulatory process and its implementation on both islands. NMFS and ACSPI signed the Co-management Agreement in 2000, which provided the opportunity to adaptively manage female mortality during subsistence activities. The St. Paul Co-management Agreement includes a female mortality threshold of five that, if reached, would result in temporary harvest suspension and a review of the circumstances of those mortalities. The St. Paul Co-management Agreement also includes a second threshold of eight female mortalities (*i.e.,* three more than the temporary suspension), that, if reached, results in termination of the harvest for the season. The Pribilovians have not reached these thresholds during any harvest season on St. Paul since signing of the Co-management Agreement in 2000.

NMFS proposes to create two seasons on St. Paul for subsistence use of fur seals differentiated by the allowable methods that may be used during each season. The first season would authorize Pribilovians to kill juvenile fur seals (defined as less than 7 years old) using firearms to hunt from land on St. Paul Island from January 1 through May 31, hereafter referred to as the proposed ''hunting season.'' The second season would authorize the Pribilovians to kill juvenile fur seals without the use of firearms on St. Paul Island from June 23 through December 31, hereafter referred to as the proposed ''harvest season.'' It is not known whether pups would be available for subsistence uses during the hunting season, but the proposed rule would not preclude Pribilovians from taking pups during either of the two proposed seasons. The limited available evidence suggests that pups likely would not be available to hunters during the proposed hunting season.

NMFS proposes to remove the regulatory provision at 50 CFR 216.72(e)(5) that requires the taking of fur seals 124.5 cm or less in length, and NMFS instead proposes to allow take by hunting and harvesting of juvenile seals (defined as seals under 7 years old) through the regulatory changes that would provide that (1) juvenile fur seals may be killed with firearms from January 1 through May 31 annually; and (2) juvenile fur seals may be killed without the use of firearms from June 23 through December 31 annually. The proposed rule would authorize harvest during the associated season by traditional methods which involve herding and stunning followed immediately by exsanguination. The proposed rule would also authorize up to 20 female fur seals to be killed per year to account for incidental or accidental take of females. This amount of female mortality associated with the hunting and harvesting seasons is higher than allowed under the current Co-management Agreement, but at one percent of the proposed annual limit on subsistence use, it is a conservative limit that will incentivize avoiding incidental take of females and other causes of accidental mortality and will not have negative consequences at a population level (NMFS 2017).

NMFS also proposes to remove the regulatory provision at 50 CFR 216.72(e)(2) that no fur seal may be taken before June 23 and to revise the regulatory provision at 50 CFR 216.72(g)(1) that currently terminates the annual take on August 8 for sub-adult males on St. Paul. As explained earlier, this proposed rule would revise the suspension and termination provisions at 50 CFR 216.72(f) and (g) to be consistent with the new seasons and limits for St. Paul Island, which are discussed in detail further below. This revision would include a termination provision of subsistence hunting and harvest seasons for the remainder of the year if 20 female fur seals are killed at any point during the year.

Finally, the proposed rule would set the total number of seals authorized for subsistence use in both the hunting and harvest seasons, including female fur seals killed during those seasons, at 2,000 juvenile fur seals per year. As explained earlier and in the DSEIS (NMFS 2017), NMFS does not expect a detectable change in population trends from killing up to 2,000 juvenile fur seals on St. Paul during the hunting and harvest seasons annually in the future to be authorized under this proposed rule.

Age Class

ACSPI petitioned NMFS to define the age class of male fur seals allowed for subsistence use as those less than seven years old (*i.e.,* juveniles), rather than those 124.5 cm or less as currently described at 50 CFR 216.72(e)(5). In addition, the proposed rule includes pups in the definition of ''juvenile'' at ACSPI's request, and would remove the current prohibition at 50 CFR 216.72(e)(4). For the reasons detailed below, NMFS proposes to allow the subsistence use of juvenile fur seals less than seven years old, which reflects an age class distinction that the Pribilovians can use in the field to reliably determine eligibility for subsistence use before taking the animals, rather than a measure of length, which can only be verified after-the-fact. These age classes are relevant to the two proposed seasons because of the different availability of the age classes of seals being targeted for subsistence use. The oldest seals are available in limited numbers during the hunting season, and the youngest seals (pups) are available during the latter portion of the harvest season. The limited available evidence suggests that pups do not linger offshore near the Pribilofs after weaning, as they start their migration in approximately December (Lea *et al.,* 2009), and thus likely would not be available to hunters during the start of the proposed hunting season (January 1). In addition, because a significant portion of breeding females do not return to the Pribilofs to pup until July, most, if not all, pups born in that year will not be born until after the end of the proposed hunting season (May 31).

Subsistence Use of Pups

NMFS reexamined the record behind the existing prohibition on the taking of pups for subsistence purposes. During the original rulemaking to authorize the subsistence harvest, we incorrectly stated, without explanation, that a harvest of pups could have a disastrous effect on the already declining fur seal population (50 FR 27915, July 8, 1985; 51 FR 24829, July 9, 1986). NMFS has subsequently explained, in the context

of the rulemaking to authorize the harvest of pups on St. George Island, that a regulated harvest of male pups would not have a negative effect on the population (79 FR 43007, August 6, 2014; 79 FR 65327, November 4, 2014). The simple explanation for why harvesting pups is not a biological concern for the fur seal population is that pups have a high natural mortality rate, and thus removing a given number of pups from the population has less of a negative effect than taking the same number of older fur seals. NMFS (2014, 2017) analyzed numerous lines of harvest evidence including the harvest of northern fur seal pups from their Russian breeding islands (Kuzin 2010, Ream and Burkanov pers. comm.), survival models (Towell 2007, Fowler *et al.,* 2009), and a model of the proposed St. Paul harvest levels and associated population effects (Towell and Williams, unpublished data) and concluded that the population level effects of the subsistence harvest of 2,000 6 year old males (*i.e.,* the oldest age in the ''juvenile'' category) would be higher than the harvest of 2,000 male pups, but neither would have significant negative population consequences (NMFS 2017).

Under the proposed rule, the highest permissible yearly pup harvest on St. Paul (2,000 fur seals) is 2.4 percent of the 2016 pup production estimate (80,614), but a more likely harvest level is about half of that and either level represents an insignificant proportion of the pup production. A more extreme example of the sustainability of a pup harvest comes from the average annual Russian commercial harvest of about 4,300 pups from 1987–2006. This level of harvest represents about 11 percent of annual pup production on Bering Island each year during this 20-year period (Ream and Burkanov pers. comm.). The Bering Island harvest of pups included only males from 1987–1992, and averaged over 6,000 annually during that time period (14.6 percent of annual pup production). Ten years after the initiation of the male pup harvest on Bering Island, the trend in pup production was not statistically different from zero (Ream and Burkanov pers. comm.). These results support NMFS's determination that a male pup harvest of up to 2,000 pups, or currently approximately 2.4 percent of annual production, would not have any detectable direct or indirect population level effects.

Subsistence Use of Juveniles

In the emergency final rule (51 FR 24828, 24836, 24840; July 9, 1986), NMFS promulgated the restriction at 50 CFR 216.72(e)(5) that ''[o]nly sub-adult male fur seals 124.5 cm or less in length may be taken'' with the intent of having the subsistence harvest replicate the commercial harvest and associated research as closely as practical to allow for continued research comparisons among sites with different harvest levels. NMFS discussed this in the emergency interim rule: It should be stressed that this rule authorizes only the subsistence taking of fur seals even though the methods and schedule employed are derived from the commercial harvest (50 FR 27914, 27918; July 8, 1985). In the emergency final rule, NMFS noted that the result is to confine the harvest to primarily 2, 3, and 4-year-old males (51 FR 24828, 24836; July 9, 1986). Maintaining comparability to the size of commercially-harvested seals (124.5 cm or less in length) has proven not to be an issue because Pribilovians prefer and choose smaller seals for subsistence needs.

Zimmerman and Lechter (1986) and Zimmerman and Melovidov (1987) weighed approximately 950 seals from the 1985 and 1986 subsistence harvests to estimate percentage use, but made no reference to obtaining lengths from the same sample of harvested seals to confirm seals were less than 124.5 cm or whether the harvest selected seals according to their relative abundance in the population. Zimmerman and Lechter (1986) noted that about 80 percent of the seals harvested in 1985 were three-year-old males. Zimmerman and Melovidov (1987) reported that 54 percent of the seals harvested in 1986 were three-year-old males, and noted that this likely represented an Aleut preference for younger seals for food. Hanson *et al.* (1994) and Caruso and Baker (1996) showed the Aleut preference for younger seals is likely closer to a two-year-old sized seal. NMFS has analyzed the age data of harvested male seals on St. Paul, and the data indicate about 42 percent of the subsistence harvested seals in recent years are two-year-old males versus 13 percent during the last 10 years of the commercial harvest (MML unpublished). Since the emergency final rule in 1986, the Aleuts have never indicated an interest in the subsistence harvest of larger older male seals. Accordingly, authorizing the subsistence use for both hunting and harvesting of juvenile seals (less than seven years old, including pups), rather than dictating a length limit, better accommodates and respects the traditional and cultural preferences of the Aleuts; moreover, the Aleuts' preference to target two to three year old seals in past subsistence harvests indicates that it is not likely that older seals will be targeted in future harvests.

In addition, harvesters use length in combination with coloration, behavior, and head shape to simultaneously make a harvest choice. A length restriction would not be useful for managing the proposed subsistence hunting season from January 1 through May 31. NMFS and ACSPI do not have a clear understanding of the sizes (or ages) of seals available at this time of year, and it is unrealistic to expect hunters to estimate the length of a mostly-submerged seal before pulling the trigger of a firearm. This is also true for the harvest season since a precise measurement of a moving seal on land among ten or more seals of similar size cannot be taken until after the seal is dead. At age seven most male fur seals show secondary sexual characteristics such as growth of a mane and broadening of the sagittal crest, neck, and shoulders (Scheffer 1962) that provide a reliable means for subsistence users to distinguish adult males from juveniles during both the hunting season and the harvest season. Thus, rather than being regulated by a precise length limitation that can only be confirmed after the fact, Pribilovians will be able to take seals under seven years old based on broad age distinctions that can be used in the field to reliably determine eligibility for subsistence use during either the hunting or harvesting season before taking the animals.

Accordingly, the proposed rule would remove the provision at 50 CFR 216.72(e)(5) that only subadult male fur seals 124.5 cm or less in length may be taken. Instead, the proposed rule would authorize the subsistence use to include both hunting and harvesting of juvenile seals (those less than seven years old), including pups. The subsistence harvest regulations for St. George Island (50 CFR 216.72(d)) will retain the 124.5 cm length restriction and will continue to use the term sub-adult male to refer to animals less than that size. St. George harvesters take younger seals on average than St. Paul, and this length restriction has had no impact on their subsistence use. If petitioned to do so or if warranted, NMFS may propose changing those provisions for St. George via subsequent rulemaking.

Hunting Season

The proposed rule would authorize Pribilovians on St. Paul to kill juvenile northern fur seals from January 1 through May 31 by using firearms only, although alternative hunting methods

consistent with the FSA and 50 CFR 216.71 could be developed by NMFS and ACSPI through the Co-management Council. Northern fur seals are not observed on land for most (January 1 through May 1) of the proposed hunting season (Bigg 1990, NMFS 2017), so ACSPI petitioned NMFS to allow Pribilovians to hunt from land on St. Paul Island for animals in or adjacent to the water using firearms. NMFS proposes to define firearm in the same manner as NMFS has previously defined the term. In a regulatory prohibition on discharge of firearms at or within 100 yards of a Steller sea lion west of 144° W longitude (see 50 CFR 224.103(d)(1)(i)), NMFS has defined a firearm as any weapon, such as a pistol or rifle, capable of firing a missile using an explosive charge as a propellant. NMFS proposes to adopt the same definition in 50 CFR 216.72(e)(1) for the St. Paul hunting season. Pribilovians currently hunt with firearms to take Steller sea lions for subsistence uses during this time of year. During scoping and public comments on the DSEIS, Pribilovians indicated that they historically hunted fur seals at this time of year and this would not only allow them to restore traditional cultural practices but also allow them to secure fresh fur seal meat from January to May, thereby promoting greater food security year-round on St. Paul Island since other sources of fresh meat (including sea lions) are limited during those months.

NMFS has not considered the use of firearms to take northern fur seals for subsistence uses from January through May in previous rulemakings. A primary rationale for why the proposed take of fur seals using firearms would be a sound practice for subsistence use is that fur seal behavior and ecology are substantially different in the winter and spring versus the summer and autumn. Fur seals spend most of their lives at sea and are not reliably available on the Pribilof Islands in the winter and spring, indicating that the hunt is not likely to take breeding fur seals, is not likely to take a significant number of fur seals, and is not likely to incidentally harass non-harvested seals (NMFS 2017), as discussed next.

Adult male northern fur seals land on the Pribilof Islands to breed beginning in early May (Bigg 1986, Gentry 1998). Pribilovians have observed small numbers (fewer than 20 per month in any year) of juvenile and adult male northern fur seals swimming in the nearshore waters on the Pribilof Islands during the winter and spring, and these observations are substantiated by satellite telemetry data (NMFS 2017). A few fur seals are observed on land in the winter, but unlike their behavior in the summer they are typically found very close to the water's edge and cannot be approached closely (NMFS 2017). Progressively younger males arrive and land on the Pribilof Islands from May through December, though there are no data to determine the ages of seals arriving in May (Bigg 1986). The satellite telemetry data also indicate that female fur seals are not observed within 100 nautical miles of the Pribilof Islands from January through May, indicating the probability of accidentally taking female fur seals during the hunting season would be very low (NMFS 2017). Because there is a small likelihood that breeding fur seals are present on or near St. Paul and would be taken during the hunting season, the hunt of fur seals from January 1 to May 31 is not expected to impact the breeding population of northern fur seals or population trends over time.

NMFS (2017) analyzed the potential subsistence mortality of six-year old males during the hunting season. The best available data to estimate the probable mortality rate for fur seals comes from the hunting effort (*i.e.,* available weather days to hunt) and success rates (*i.e.,* struck and lost at sea) for Steller sea lions. NMFS (2017) combined these two sources of information from sea lion hunting to estimate that about 20 to 40 fur seals may be killed during the subsistence hunting season. This represents a practical estimate, without any direct data about fur seal hunting or fur seal availability at this time of the year. We assumed that the number of hunting days and hunter success was most influenced by weather, and that the species (sea lion versus fur seal) would have less influence. We do not know the probability of hunters encountering four-, five-, or six-year-old seals while hunting, but would predict based on the preferences identified during the earlier subsistence harvests (Zimmerman and Melovidov, 1987; Hansen *et al.,* 1992) that hunters would choose the smallest (*i.e.,* youngest) of those juveniles available while they are hunting. Bigg (1986) described the timing of arrival of different aged male fur seals on St. Paul based on the kill data from the commercial harvest that generally started on July 1. Thus, Bigg's (1986) analysis is informative, but there are no data from observations of known-aged individuals from January through May.

While the most likely outcome of the hunting season will be mortality of a mixed number of four-, five-, and six-year old males, NMFS (2017) and Towell and Williams (unpublished) took a conservative approach and modeled the mortality of 2,000 six-year old males for 25 years. This modeling approach is conservative in evaluating the population consequences for several reasons. The longer an individual survives the more likely it will survive to reproduce and contribute to the population. And because survival increases as animals approach sexual maturity, the use of the oldest available seals (six-year-olds) would be removing the seals more likely to successfully contribute to reproduction once sexually mature. A six-year old seal has a higher probability of surviving to the next year than a younger seal. For example, if killing 2,000 four-year-olds, 15–20 percent of them (400) would have died naturally. Modeling for the mortality of six-year-old seals that had survived to near-sexual maturity represents the maximum effect to reproduction and the population. Any hunting mortality of younger seals (four- or five-year-olds), which is likely, would reduce the effect relative to the possible (but unlikely) hunting mortality of exclusively six-year-olds. NMFS (2017) model results indicated a one to two percent reduction in the estimated number of adult males counted in July in the population due to a possible kill of 2,000 six-year-old males compared to a kill of 2,000 males less than 124.5 cm (*i.e.,* males two to four years old). This low percent reduction (one to two percent) is not likely to impact the northern fur seal population overall.

The incidental harassment of non-targeted northern fur seals during the hunting season is not likely to affect many seals. NMFS (2017) reported that due to their general solitary nature and rare occurrence on the Pribilof Islands during the majority of the hunting season, the level of incidental harassment of fur seals on or near St. Paul Island due to the use of firearms to hunt seals on St. Paul Island would be very low. NMFS (2017) reported that the average number of seals observed on St. Paul for the months of January through May was 19, 3, 1, 19, and 42 fur seals each month, respectively. Supporting the on-land observations, NMFS (2017) also estimated that fur seals spend significantly more time in the North Pacific Ocean than in the Bering Sea during the months of January, February, March and April, and May. Thus, on any particular day when a hunter would be hunting, there would be few if any seals on land (likely less than 42), and possibly a slightly higher number in the water. This alleviates concerns about the possibility of noise from firearms

disturbing or harassing a significant number of seals or causing seals onshore to stampede offshore. The breeding season starts in late June and, as discussed earlier, female seals are not present and breeding males are not usually present on St. Paul Island between January and May. Therefore, limiting the use of firearms to January 1 through May 31 alleviates concerns about the possibility of harassing breeding fur seals on land. Also, limiting the use of firearms to January 1 through May 31 alleviates concerns about the safety of fur seal researchers and tourists since few, if any, researchers or visitors would be present during that timeframe.

Public comments received on the DSEIS expressed concern that the use of firearms to kill fur seals for subsistence is a wasteful manner of taking, as this method increases the likelihood of struck and lost seals. NMFS has evaluated the taking of fur seals with firearms, and there is no viable alternative method to obtain fur seals at the time of year proposed. The traditional harvest method (see next section) is not practical in the winter and spring because the few fur seals that are present on land from January through May are not found in the inland areas typically occupied during the summer and autumn. If the proposed rule is finalized, NMFS will work with ACSPI and hunters both independently and within the co-management framework to monitor and characterize number of fur seals struck and lost and, if necessary, identify measures to reduce the number of seals lost. These estimated numbers and rates of struck and lost fur seals will be compared to those obtained for Steller sea lions and other marine mammals to determine whether the take may be considered wasteful (*i.e.,* not likely to assure the killing and retrieval of the fur seal (51 FR 24828, 24834; July 9, 1986)), and whether the Co-management Council should consider modifying hunting practices to address waste. In addition, NMFS and ACSPI through the Co-management Council could develop alternative hunting methods. Any alternative methods would need to be non-wasteful and otherwise consistent with Section 105(a) of the FSA and 50 CFR 216.71, and would need to result in substantially similar effects (including, but not limited to, levels of harassment of non-hunted seals). Because alternative methods for hunting seals may have different effects than the methods analyzed by NMFS, NMFS would consider whether any such differences warrant additional rulemaking and NEPA analysis before being implemented.

Harvest Season

The proposed rule would authorize Pribilovians on St. Paul to kill juvenile northern fur seals from June 23 through December 31 by harvesting. The proposed rule specifies that subsistence harvest would be without the use of firearms and may be by traditional harvest methods of herding and stunning followed immediately by exsanguination, although alternative harvest methods consistent with the FSA and 50 CFR 216.71 could be developed by NMFS and ACPSI through the Co-management Council. The proposed harvest season is significantly longer than the currently authorized season from June 23 through August 8. When viewed in conjunction with the proposed hunting season from January 1 through May 31 and the proposed limit of 2,000 fur seals for subsistence use, the net effect is to allow the hunting and harvest of the same maximum number of fur seals annually as has been authorized under existing regulations, but spread over a longer period of time. This would allow subsistence users to obtain fresh fur seal meat during more of the year, increasing food security for ACSPI. ACSPI also has indicated they prefer the flexibility of one harvest season defined in the regulations rather than multiple regulated harvest seasons for different ages of available seals as NMFS promulgated for St. George in 2014 (79 FR 65327, November 4, 2014). This proposed rule provides for that flexibility by setting one harvest season from June 23 to December 31 for any male fur seals less than 7 years old (*i.e.,* juvenile).

NMFS distinguishes the harvest as a coordinated and organized effort during the harvest season of multiple subsistence users to provide many seals to meet the subsistence needs of many community members at one time, rather than individual hunters obtaining one seal at a time during the hunting season for use by a small number of individuals. Unlike the hunting season, the proposed rule would not authorize the use of firearms during the harvest season. Instead, the harvest season will continue to use methods consistent with those described as ''traditional harvesting techniques'' (see 51 FR 24828, July 9, 1986). Thus, the harvest of juvenile fur seals will continue to be by traditional harvest methods of herding and stunning followed immediately by exsanguination.

In addition, NMFS and ACSPI through the Co-management Council could develop alternative harvesting methods. Any alternative methods would need to be non-wasteful and otherwise consistent with Section 105(a) of the FSA and 50 CFR 216.71, and would need to result in substantially similar effects (including, but not limited to, levels of harassment of non-harvested seals). Because alternative methods for harvesting seals may have different effects from the methods analyzed by NMFS, NMFS would consider whether any such differences warrant additional rulemaking and NEPA analysis before being implemented. This approach would allow for the development of alternative harvest methods through the Co-management Council, rather than NMFS attempting to dictate all aspects of harvest methods in regulation. This approach facilitates cooperative management of an important subsistence resource for Pribilovians and ensures Pribilovians who harvest seals will have a role in developing harvest methods that are consistent with the allowable take of fur seals at 50 CFR 216.71.

In addition, the proposed approach recognizes the significant role the commercial harvest and Federal management has played in shaping subsistence use of northern fur seals on the Pribilof Islands and in defining a particular harvest method as ''traditional.'' The ''traditional harvesting techniques'' described in the 1986 rule were based on the commercial method of visiting a particular non-breeding fur seal resting area, preventing those seals present on land from escaping into the water, and slowly moving those seals into a group from the resting area to an area inland. The inland area was called the killing field and all seals within the harvestable size limits were killed (Bigg 1986). This was possible because it was estimated that about 80 percent of non-breeding males are not on shore on any particular harvest day (Gentry 1981), and thus escaped the commercial harvest. It was estimated that on average the commercial harvest killed about 41 percent of the three-year old males and 53 percent of the four-year old males available in the population (Marine Mammal Biological Lab 1972). NMFS maintained this level of commercial harvests of sub-adult males for over 30 consecutive years until the herd reduction program was instituted (NMFS 2007, 2014, 2017). This aspect of the ''traditional harvesting technique'' is known as a round-up and drive, and has been modified for subsistence uses by allowing both excess seals for the daily subsistence need or unwanted seals

(*e.g.,* large males or females) to escape prior to them being driven to the killing field. The accepted method of taking on the killing field has included seals being stunned unconscious by a blow to the head with a club and exsanguinated by severing the aorta (51 FR 24828, July 9, 1986). An independent panel of veterinarians reviewed this method of killing and determined it to be painless and humane (51 FR 24828, July 9, 1986).

The harvest season would continue the established subsistence method as has occurred in the past on St. Paul Island and would also authorize harvesting pups using the same technique, though adapted to pup behavior. This approach would enable ACSPI to resume a traditional cultural practice (the subsistence use of fur seal pups) that is prohibited by existing regulations (for more background on the traditional harvest of pups, see the preamble to the St. George proposed rule at 79 FR 43007, 43010–11; July 24, 2014). As explained earlier, NMFS (2014, 2017) has shown that a harvest of pups has a lower biological effect on the population than a similar harvest of sub-adult or juvenile males because at least 50 percent of pups do not survive their first two years at sea after weaning (Lander 1981). NMFS (2017) modeled the mortality of 2,000 male pups, 2,000 two- to four-year-old males, and 2,000 six-year-old males annually for 25 years and estimated a possible reduction in the number of adult males in the twenty-fifth year of about four, six, and eight percent, respectively when compared to a population with no harvest mortality.

ACSPI has indicated an interest in harvesting male pups during the latter half of the proposed harvest season. ACSPI did not identify specific regulatory dates or other regulatory restrictions to harvest pups, but instead wanted to retain the flexibility of allowing subsistence users to determine the best times, locations, and modifications to the methods to harvest pups. The proposed rule does not limit the opportunities to harvest male pups during the harvest season. Adult male fur seals' territorial behavior in July and August limits safe access by humans into areas occupied by pups. Adult males typically prevent entry of people or other seals into breeding areas until late August, when most females are no longer coming into estrous (Gentry 1998). Subsistence users can handle pups safely up until weaning in order to distinguish male from female seals prior to harvest, but this and other restrictions will be managed and monitored within the co-management process, not by regulations.

NMFS has worked with the Traditional Council of St. George Island since 2014 to implement the regulations authorizing the harvest of pups on St. George Island (79 FR 65327, November 4, 2014). NMFS has independently monitored all pup harvests from 2014 through 2017. No female pups have been accidentally harvested by the Pribilovians on St. George Island during this timeframe. If the proposed rule is finalized, NMFS expects similar cooperation with ACSPI and a similarly low level of accidental female pup mortality on St. Paul Island.

Authorized Mortality of Females During the Hunting and Harvest Seasons

The 1986 emergency final rule included two harvest termination provisions regarding the taking of females during the subsistence harvest of male fur seals (51 FR 24828, July 9, 1986). The first provision established a termination threshold of one-half of one percent of the total number of seals harvested per island. Therefore, the harvest termination thresholds in 1986 based on the harvest range of 2,400 to 8,000 males would have been 12 to 40 females. The second provision established a termination threshold when the number of females harvested during any consecutive seven-day period after August 8 exceeds five. Both of these provisions were removed in 1992 when NMFS removed the option to extend the harvest after August 8 (57 FR 33900, July 31, 1992). The probability of encountering immature female fur seals on the hauling grounds increases after August 1 (57 FR 33900, July 31, 1992). Non-breeding female fur seals arrive on the hauling grounds later than similarly-aged males (Bigg 1986).

NMFS and ACSPI are still concerned about the killing of females during the subsistence use seasons on St. Paul Island and the ability of subsistence users to distinguish young females from young males. However, rather than preclude subsistence opportunities in an attempt to prevent any female mortality, NMFS is proposing a safe threshold for female mortality associated with the subsistence hunting and harvest seasons and a female mortality termination provision similar to the previous termination provision (51 FR 24828, July 9, 1986) to minimize population consequences. Since the duration of the combined proposed hunting and harvest seasons would be longer than the current subsistence harvest season, NMFS is proposing to authorize for subsistence use the incidental mortality of up to 20 female fur seals each year (*i.e.,* one percent of the allowable mortality). NMFS also proposes to include a provision to terminate the subsistence use on St. Paul for the rest of the year if 20 female fur seals are killed at any point during a calendar year. Although it is more likely female fur seals would be encountered and killed during the harvest season, the subsistence limit and termination provision apply once 20 female fur seals are killed at any point during a calendar year.

The authorized level of female mortality (20) is higher than allowed under the current Co-management Agreement (8). NMFS and ACSPI will revise the Co-management Agreement so that it is consistent with the proposed regulation if it is finalized. The annual limit on female mortality will incentivize avoiding incidental take of females and other causes of accidental mortality and will not have negative consequences at a population level. NMFS modeled the potential population impact of the different female mortality thresholds of all the alternatives in the DSEIS (NMFS 2017, Towell and Williams unpublished report). NMFS modeled the mortality of 20 female pups and 20 juvenile females (less than six years old) and reported that effects included both lost adult females and changes in reproduction. For the mortality of 20 female pups per year over 25 years, that effect was estimated as a 0.04 percent loss in adult females and 0.04 percent reduction in reproduction using two different historical estimates of female survival (Towell and Williams unpublished report). For the mortality of 20 juvenile females per year over 25 years, that effect was estimated to range from a 0.07 to 0.12 percent loss in adult females and a 0.12 to 0.39 percent reduction in reproduction using two different historical estimates of female survival (Towell and Williams unpublished report). The use of two different estimates of female survival was not expected to show any difference when considering the mortality of female pups, but was expected to provide the range observed for the mortality of up to 20 juvenile females. This low percent reduction in adult females and in reproduction is not likely to impact the northern fur seal population overall.

The Co-management Council may establish interim thresholds of female mortality below the regulatory limit of 20 in order to adjust subsistence use practices. The intent is for the revised Co-management Agreement to incentivize avoiding incidental take and mortality of females, and other sources of accidental mortality. Thus the non-regulatory measures within the management plans developed in the Co-

management process would further reduce the likelihood of reaching the limit of 20 female mortalities.

Implementation of a Revised Co-Management Agreement and Subsistence Management Plan for St. Paul Island

NMFS evaluated ACSPI's petition for rulemaking along with other alternatives in a DSEIS (82 FR 22797, January 13, 2017) and determined that the ''taking'' of fur seals, including incidental taking of females, must be authorized by regulation (16 U.S.C. 1152, 1155(a)). As noted previously, the proposed rule adds a regulatory provision to the petitioned alternative to authorize the incidental or accidental mortality of up to 20 female fur seals each year. ACSPI petitioned NMFS to include a regulatory provision under the FSA that would allow ACSPI to co-manage subsistence use of northern fur seals under a co-management agreement. The proposed rule does not include this petitioned regulatory provision because co-management of subsistence use is authorized under Section 119 of the MMPA (16 U.S.C. 1388) and so no implementing regulations under the FSA are necessary to allow for co-management between NMFS and ACSPI. ACSPI will be able to continue co-management with NMFS under the MMPA.

If the proposed rule is finalized, NMFS and ACSPI would revise the Co-management Agreement to reflect the new regulatory framework governing the subsistence take of fur seals on St. Paul Island. NMFS and ACSPI would also finalize an in-season monitoring and management plan, which would specify details of hunting and harvest management that the Co-management Council would implement via consensus within the parameters of the regulations. For example, the in-season monitoring and management plan could include non-regulatory provisions that limit the hunting and harvest of fur seals to particular sites, or suspend the hunting and harvest seasons temporarily if a certain number of females (below the regulatory limit of 20) are killed. This approach would strengthen co-management consistent with Section 119 of the MMPA (16 U.S.C. 1388), insofar as ACSPI would be an equal partner with NMFS in determining the details of how the subsistence use seasons are managed under the regulations. ACSPI would monitor the juvenile male hunting and harvest seasons with occasional independent monitoring by NMFS representatives. NMFS and ACPSI would monitor the pup harvest and hunting season consistent with the intent of the revised Co-management Agreement, while ensuring compliance with regulatory requirements and any restrictions or limitations identified in the in-season monitoring and management plan.

Additional Regulatory Changes for St. Paul and St. George Islands

NMFS proposes to remove 50 CFR 216.74(b), which states that Pribilovians who engage in the harvest of seals are required to cooperate with scientists who may need assistance in recording tag or other data and collecting tissue or other fur seal samples for research purposes and that Pribilovians who take fur seals for subsistence uses must cooperate with NMFS representatives on the Pribilof Islands who are responsible for compiling harvest information. These requirements reflected NMFS's relationship with St. Paul subsistence users in the 1980s, but the relationship has evolved through co-management to be collaborative and cooperative, rather than hierarchical, and thus the regulatory mandates in 50 CFR 216.74(b) are unnecessary. Instead, NMFS proposes to remove the heading ''St. George Island'' from current section 216.74(a), which describes the co-management process and the respective roles of NMFS and the tribes, to clarify that 50 CFR 216.74(a) applies to both St. George and St. Paul. Thus, section 216.74 would no longer have subsections.

Additional Regulatory Changes Related to St. Paul Subsistence Co-Management Agreement

NMFS proposes to replace the regulatory restriction at 50 CFR 216.72(e), which states that seals on St. Paul Island may only be harvested from the Zapadni, English Bay, Northeast Point, Polovina, Lukanin, Kitovi, and Reef haulout areas and that no haulout area may be harvested more than once per week. When NMFS promulgated this regulation, NMFS did not indicate why haulout areas on St. Paul Island required additional protection regarding the frequency of harvest (once per week) when compared to those areas on St. George that could be harvested twice per week (51 FR 24828, July 9, 1986). It appears NMFS was simply continuing the frequency of commercial harvests on St. Paul as noted in the emergency interim rule (50 FR 27914, July 8, 1985). NMFS's decision about the frequency of subsistence harvests appears to have been influenced by concerns about overharvest and disturbance on the Islands (51 FR 24837, July 9, 1986), but those concerns were not explained relative to differences in effort (and presumably effects) between the commercial harvest and subsistence harvest and relative to different authorized practices (frequency of harvest allowed) between St. Paul Island and St. George Island. The 1986 subsistence harvest on St. Paul Island was limited in the regulations to one harvest per hauling ground for a total of 2,400–8,000 seals less than 124.5 cm in length over 19 harvest days. When examined in the context of the actual harvest effort in 1984 and 1986, and the data collected and analyzed in 1978 and 1979 by Gentry (1981) and Griben (1979) showing that there were no movements of seals from harvested areas or any evidence of a lack of seals at the end of the commercial harvest season, this concern about disturbance during the subsistence harvest appears without basis. It is also not clear whether disturbance to the rookeries from the subsistence harvest on haulout areas would be any different than that observed for the much larger commercial harvest.

In addition, the final rule did not include a rationale for the designation of the harvestable haulout areas (51 FR 24828, July 9, 1986), and some of the place names are problematic. Northeast Point is a geographic region on St. Paul Island, not a haulout area. Northeast Point includes two rookeries, named Vostochni and Morjovi, both of which include at least three separate haulout areas. English Bay refers to a body of water on the southern coast of St. Paul Island, not a haulout area. Four different rookeries around English Bay are occupied by fur seals: Tolstoi, Zapadni Reef, Little Zapadni, and Big Zapadni. Each of these rookeries include at least one separate haulout area that was commercially harvested. Reef is a peninsula of land on the southeast coast that includes three rookeries named Reef, Gorbatch, and Ardiguen. Reef and Gorbatch rookeries each include at least two separate haulout areas, and Ardiguen is separated by a cliff on the inland side with no associated harvestable haulout area. These discrepancies and inconsistencies in identifying the haulout areas in 50 CFR 216.72(e), combined with the unclear original rationale, render that regulatory provision ineffective today. Moreover, there is no present rationale to dictate harvest frequency and location by regulation, particularly in light of the preference of NMFS and ACSPI to manage the subsistence use of fur seals through a non-regulatory, yet effective, co-management process. In lieu of identifying in regulation the specific sites where subsistence use may occur,

the proposed rule would leave in-season management of the hunting and harvest seasons to the Co-management Council, including the scheduling and identification of locations and frequency of hunting and harvesting through an annual in-season monitoring and management plan, thereby supporting co-management of the subsistence use of marine mammals by Alaska Natives per Section 119 of the MMPA (16 U.S.C. 1388).

NMFS proposes to replace 50 CFR 216.72(e)(1), which states that the scheduling of the harvest is at the discretion of the Pribilovians, but must minimize stress to the harvested fur seals, and that the Pribilovians must give adequate advance notice of their harvest schedules to NMFS representatives. The existing regulatory language that requires the Pribilovians to notify NMFS of their harvest schedules was based on the premise that NMFS would provide the exclusive harvest monitoring. However, under the existing Co-management Agreement, the Pribilovians on St. Paul Island have taken responsibility for regular monitoring of subsistence use, and have identified and implemented measures to reduce stress to harvested and unharvested seals. Under the Co-management agreement, they have re-instituted morning harvests, slowed the driving times from the haulout areas to the killing fields, and canceled harvests when weather conditions create a high risk for seals overheating. ACSPI has also instituted cool-down periods after the initial drive of seals to the killing fields, in between periods of stunning on the killing field, or if other unforeseen circumstances warrant. There have been no cases of seals overheating during the harvest in the past decade, in contrast to the commercial harvest and the first twenty years of the subsistence harvest (*see* annual harvest reports *https://alaskafisheries.noaa.gov/pr/fur-seal*). Under the proposed rule, the Pribilovians would continue to work with NMFS on the cooperative management of the proposed subsistence use seasons, and the Co-management Council would schedule subsistence use and identify the locations and frequency of hunting and harvesting in the annual in-season monitoring and management plan. These measures would help improve the quality of the meat collected for subsistence use. Moreover, allowing the Co-management Council to develop measures for the location, frequency, and timing of subsistence use would respect the cultural identity of the Pribilovians and their stewardship responsibility towards fur seals.

NMFS proposes to replace 50 CFR 216.72(e)(3), and revise 50 CFR 216.72(e)(2) to authorize subsistence harvests without the use of firearms by traditional methods of herding and stunning followed immediately by exsanguination. Currently, 50 CFR 216.72(e)(3) prescribes that no fur seal may be taken except by experienced sealers using the traditional harvesting methods. The rationale for this provision was based on the determination by NMFS in the first years of the subsistence harvest that the traditional method of harvest was certified as humane and the premise that only experienced sealers would be able to maintain the high level of performance required to meet the humane standard. However, experienced sealers are often not available during the current subsistence season on St. Paul Island, which coincides with other limited employment opportunities on the Island, such as commercial fishing (56 FR 36735, 36739; August 1, 1991). A consequence of the regulatory requirement for experienced sealers resulted in a canceled harvest on the last day of the 1992 season (58 FR 32893; June 14, 1993). Specifically, a harvest of approximately 100 seals was scheduled to occur on St. Paul on August 8, 1992, the last available date of the 1992 harvest season. However, due to a family emergency the harvest foreman and other family members had to leave the Island on that date. Thus a lack of available experienced sealers caused the harvest to be canceled.

NMFS (2017) evaluated the tradeoffs of using regulatory requirements to prescribe the methods, scheduling, and personnel for the subsistence use seasons on St. Paul Island, compared to whether NMFS and ACSPI could effectively use a more collaborative non-regulatory approach to meet the regulatory requirement of ensuring the subsistence use is not accomplished in a wasteful manner (50 CFR 216.71(b)). NMFS (2017) determined that subsistence use activities on St. Paul Island, including the individuals authorized to participate in the hunting and harvest seasons, would be more effectively managed by the St. Paul Co-management Council, rather than prescribed by regulation. Such a process will allow the Co-Management Council to manage the hunting and harvest seasons to accommodate the diversity of subsistence use activities on St. Paul Island. The Co-management Council can consider the availability of subsistence users to participate at different times, while ensuring that Pribilovians can preserve their cultural practices and environmental stewardship of fur seals.

Request for Comments

NMFS developed the proposed northern fur seal subsistence use regulations to accomplish the intent of the ACSPI's petition, remove duplicative and unnecessary regulatory provisions for Pribilovians on St. George Island, and enhance the conservation and management of northern fur seals. NMFS solicits public comment on the proposed regulations and on the Initial Regulatory Flexibility Analysis (IRFA) prepared for this proposed rule.

Classification

National Environmental Policy Act

NMFS prepared a DSEIS evaluating the impacts of the subsistence harvest of northern fur seals on St. Paul Island on the human environment, and will complete a final SEIS prior to issuing a final rule. NMFS will also prepare a Supplemental Information Report to the St. George Final SEIS prior to issuing a final rule.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for purposes of Executive Order (E.O.) 12866.

Regulatory Impact Review (RIR or Analysis)

An RIR was prepared to assess the costs and benefits of available regulatory alternatives. A copy of this Analysis is available from NMFS (see **ADDRESSES**). NMFS recommends this action based on those measures that maximize net benefits to the Nation. Specific aspects of the economic analysis related to the impact of the proposed rule on small entities are discussed below in the Initial Regulatory Flexibility Analysis section.

Initial Regulatory Flexibility Analysis

This Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by section 603 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 603), to describe the economic impact this proposed rule, if adopted, would have on small entities. An IRFA describes why this action is being proposed; the objectives and legal basis for the proposed rule; the number of small entities to which the proposed rule would apply; any projected reporting, recordkeeping, or other compliance requirements of the proposed rule; any overlapping, duplicative, or conflicting Federal rules;

and any significant alternatives to the proposed rule that would accomplish the stated objectives, consistent with applicable statutes, and that would minimize any significant adverse economic impacts of the proposed rule on small entities. Descriptions of this proposed rule, its purpose, and the legal basis are contained earlier in this preamble and are not repeated here.

NMFS prepared an analysis under the Regulatory Flexibility Act (RFA) that carefully examined the potential impacts, including possible economic benefits and costs, and potential adverse economic burdens that may accrue uniquely to small entities, attributable to the action described above. NMFS affirms that the analysts have used the best available scientific data and commercial information to examine the possibility that a small entity, directly regulated by the proposed action, may potentially incur a significant adverse economic impact attributable to adoption of this action.

Number and Description of Small Entities Regulated by This Proposed Rule

The harvest of northern fur seals on the Pribilof Islands, Alaska, is for subsistence purposes only by Pribilovians. This action directly regulates the subsistence use of northern fur seals by Alaska Natives residing in the community of St. Paul and St. George (*i.e.,* Pribilovians). Individual Pribilovians, through the coordination of their Tribal Governments, organize volunteer crews to take northern fur seals for subsistence use consistent with the regulations. The RFA recognizes and defines three kinds of small entities: (1) Small businesses; (2) small non-profit organizations; and (3) and small government jurisdictions. Thus, subsistence harvesters do not meet the RFA definition of small entities.

NMFS has identified two small entities that may be affected by this action—the Aleut Community of St. Paul Island, Tribal Government (ACSPI), and the Traditional Council of St. George Island, Tribal Government (Traditional Council) (*i.e.,* both Federally-recognized tribal governments). The tribal governments on behalf of their members report on the level of the subsistence use of northern fur seals to NMFS and therefore may represent an affected small government jurisdiction.

Description of Significant Alternatives That Minimize Adverse Impacts on Small Entities

No significant alternatives were identified that would accomplish the stated objectives for deregulating the subsistence use of northern fur seals in the Pribilof Islands, are consistent with applicable statutes, that would reduce costs to potentially affected small entities more than the proposed rule and that is directly responsive to the ACSPI petition.

The Alaska Native residents of St. Paul and St. George rely on a traditional subsistence lifestyle. The proposed rule would improve the management of fur seal subsistence use on St. Paul and St. George and would improve the ability of Pribilovians on both Islands to meet their subsistence needs. For both Islands, the proposed rule removes or reduces regulatory burdens on NMFS and Pribilovians by removing a requirement for NMFS to publish every three years subsistence determinations for each year, by ceasing to use a lower and upper limit to specify harvest levels, and by eliminating or revising regulations related to the lower and upper limit and the suspension and termination of the subsistence use season. For both Islands, the proposed rule also removes duplicative and therefore unnecessary regulations. The proposed rule balances an approach to streamline and simplify the regulations that govern the subsistence use of fur seals on the Pribilof Islands, while recognizing that a non-regulatory approach would prevent the subsistence use of fur seals on the Pribilof Islands. Under the FSA, all taking of fur seals is prohibited, unless authorized in regulations deemed necessary and appropriate for the conservation, management, and protection of the fur seal population (16 U.S.C. 1155(a)). NMFS will continue to regulate some aspects of subsistence use because an exclusively non-regulatory approach is not appropriate to ensure both the conservation goals for fur seals on the Pribilof Islands and the continued subsistence use of fur seals by Pribilovians. As discussed next, however, the preferred alternatives for each Island will streamline and simplify the regulations and have conservation value, while providing positive and beneficial effects for the communities of St. Paul and St. George Islands.

For St. Paul Island, Alternative 2 (Preliminary Preferred/Petitioned Alternative) addresses the subsistence need of the St. Paul community expressed in their petition. The Petitioned Alternative recognizes a formal request by the ACSPI to maximize the use of co-management (*i.e.,* non-regulatory) rather than Federal regulations to restrict and manage subsistence practices. Alternative 2 addresses the petition of ACSPI to reinitiate the pup harvest and winter hunting of fur seals, and Alternative 2 delegates authority to the St. Paul Co-Management Council to develop a process and implement practical, locally-supported conservation controls. These controls may include measures to manage and minimize incidental or accidental mortality of females, monitor and report the subsistence use during all seasons, and prohibit subsistence use at breeding locations where the annual pup production may not sustain such use. Alternative 2 increases opportunities for using fur seals by authorizing harvests of juvenile fur seals from June 23 through December 31, and by adding a hunting season for juvenile fur seals from January 1 through May 31 every year. As a result of this change, the availability of fresh fur seal meat outside the current summer harvest season and the opportunities to co-manage the subsistence use are improved. During the hunting season, firearms would be a permitted method to pursue fur seals on land or in the water. By allowing subsistence use of different age classes of fur seals at more locations on St. Paul, the community would have greater community resilience in meeting the demands of changing future environmental conditions to meet their subsistence need. For example, increasing ambient air temperatures on the Pribilof Islands increases the probability of over-heating seals during the round-up process in the summer, and may result in more canceled harvests. The tribal governments on both islands have begun to collect data to quantify the effects of changing environmental conditions on their ability to meet their subsistence needs. Fur seals may begin to spend more time in the Bering Sea in the winter as less seasonal sea ice forms. As a result they may haul out more frequently on the Pribilof Islands. Alternative 2 would best balance meeting the subsistence needs of the community with the conservation and management of the fur seal population. Alternative 2 also expands co-management of a resource of significant value to the community of St. Paul Island. Therefore, Alternative 2 is believed to have major beneficial effects to the Pribilovians of St. Paul Island. NMFS' preliminary preferred alternative is Alternative 2 due to the high likelihood of positive or beneficial effects on the community, and similar environmental consequences to all other alternatives.

For St. George Island, Alternative 2 will remove duplicative and unnecessary regulations on the take of

fur seals and will streamline and simplify the regulations by setting a sustainable maximum harvest level in regulation. Setting in regulation a fixed maximum harvest level for St. George Island will account for the prevailing socio-economic conditions and abundance of the fur seal population on the Pribilof Islands, as well as the variability in the availability of fur seals based on environmental factors and the availability of subsistence users to participate in the subsistence harvests. Alternative 2, as compared to Alternative 1, will reduce current survey burdens on the subsistence harvest on St. George Island while emphasizing a broader consideration of the economic, social, and environmental factors affecting the subsistence use. The result of the regulatory streamlining will improve access and utilization of subsistence resources on St. George Island. This will positively impact food security, availability, and stability for the Pribilovians on St. George Island. Therefore, Alternative 2 is believed to have major beneficial effects to the Pribilovians of St. George Island. NMFS' preliminary preferred alternative is Alternative 2 due to the high likelihood of positive or beneficial effects on the community, and similar environmental consequences to all other alternatives.

NMFS determined that disproportionality is the appropriate standard given the regulated entities are small government jurisdictions. No large entities are allowed to hunt or harvest northern fur seals; therefore the regulatory allowance for tribal members of either the Traditional Council of St. George or the Aleut Community of St. Paul Island to use northern fur seals for subsistence does not create a disproportionate impact that would disadvantage them. NMFS expects this action to have positive economic impacts to the small governmental entities affected by the rule; no negative economic impacts are expected. Based on this analysis, NMFS preliminarily determines that, while there may be two directly regulated small entities that may be beneficially affected by this proposed rule, those entities would not be significantly affected by this proposed rule. However, NMFS has prepared this IRFA to comply with the RFA and to provide potentially affected entities an opportunity to provide comments on this IRFA. NMFS will evaluate any comments received on the IRFA and may consider certifying under section 605 of the RFA (5 U.S.C. 605) that this action will not have a significant economic impact on a substantial number of small entities prior to publication of the final rule.

Recordkeeping, Reporting, and Other Compliance Requirements

This proposed rule revises an existing collection-of-information requirement subject to review and approval by OMB under the Paperwork Reduction Act (PRA), although certain collection-of-information requirements would remain in place for both Islands. NMFS obtained OMB control number 0648–0699 for the regulations at 50 CFR 216.71–74, which apply to both Islands. For St. Paul Island, public reporting burden for hunt and harvest reporting for ACSPI is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. There are no significant changes in the collection-of-information requirements for St. George as part of this action.

Under the existing regulatory structure, NMFS is required to suspend the subsistence use season for each Island when the lower limit of subsistence use for that Island is reached, and if allowing the season to resume, NMFS is required to determine the number of seals needed to satisfy subsistence need. NMFS substantiates the number of seals needed above the lower limit based on additional information provided from the Pribilovians. Under the proposed rule, these regulatory requirements would be eliminated; therefore, the proposed rule would reduce the burden on the Pribilovians on both Islands to collect and submit additional household surveys or additional information to justify their annual subsistence need.

Duplicate, Overlapping, or Conflicting Federal Rules

No duplication, overlap, or conflict between this proposed rule and existing Federal rules has been identified.

Executive Order 13175—Native Consultation

The ACSPI petitioned NMFS to revise the northern fur seal subsistence use regulations. NMFS worked with ACSPI and contacted their local Native Corporation (Tanadgusix) about revising the regulations regarding the subsistence use of northern fur seals on St. Paul Island. Their input is incorporated herein. NMFS contacted the tribal government of St. George Island and their local Native Corporation (Tanaq) about revisions to the regulations applicable to the subsistence use of northern fur seals on St. George Island. Their input is incorporated herein. This proposed rule was developed through timely and meaningful consultation and collaboration with the tribal governments of St. Paul and St. George Islands and the local Native Corporations (Tanadgusix and Tanaq).

Collection-of-Information Requirements

This proposed rule revises a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). NMFS obtained OMB control number 0648–0699 for the regulations at 50 CFR 216.71–74, which apply to both St. Paul and St. George Islands. For St. Paul Island, public reporting burden for hunt and harvest reporting is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. There are no significant changes in the collection-of-information requirements for St. George as part of this action.

NMFS seeks public comment regarding: Whether this revised collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to NMFS at the **ADDRESSES** above, and email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

Notwithstanding any other provision of the 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 PRA, unless that collection of information displays a currently valid OMB Control Number.

Dated: August 6, 2018.

Samuel D. Rauch, III,

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

List of Subjects in 50 CFR Part 216

Alaska, Marine Mammals, Pribilof Islands, Reporting and Recordkeeping Requirements.

For the reasons set out in the preamble, 50 CFR part 216 is proposed to be amended as follows:

PART 216—SUBPART F, PRIBILOF ISLANDS, TAKING FOR SUBSISTENCE PURPOSES

■ 1. The authority citation for 50 CFR part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.,* unless otherwise noted.

■ 2. In § 216.72:
■ a. Revise the section heading;
■ b. Remove and reserve paragraphs (b);
■ c. Revise paragraphs (d) introductory text and (d)(1);
■ d. Remove and reserve paragraphs (d)(3), (d)(5);
■ e. Revise paragraphs (d)(6);
■ f. Remove and reserve paragraph (d)(9) and
■ g. Revise paragraphs (e), (f), and (g).

The revisions are to read as follows:

§ 216.72 Restrictions on subsistence use of fur seals.

* * * * *

(d) *St. George Island.* The subsistence fur seal harvest restrictions described in paragraphs (d)(1) through (d)(5) of this section apply exclusively to the harvest of sub-adult fur seals; restrictions that apply exclusively to the harvest of young of the year fur seals can be found in paragraphs (d)(6) through (d)(11) of this section. For the taking of fur seals for subsistence uses, Pribilovians on St. George Island may harvest up to a total of 500 male fur seals per year over the course of both the sub-adult male harvest and the male young of the year harvest. Pribilovians are authorized each year up to 3 mortalities of female fur seals associated with the subsistence seasons, which will be included in the total authorized subsistence harvest of 500 fur seals per year.

(1) Pribilovians may only harvest sub-adult male fur seals 124.5 centimeters or less in length from June 23 through August 8 annually on St. George Island.

* * * * *

(3) [RESERVED]

* * * * *

(5) [RESERVED]

(6) Pribilovians may only harvest male young of the year from September 16 through November 30 annually on St. George Island. Pribilovians may harvest up to 150 male fur seal young of the year annually.

* * * * *

(9) [RESERVED]

* * * * *

(e) *St. Paul Island.* For the taking of fur seals for subsistence uses, Pribilovians on St. Paul Island are authorized to take by hunt and harvest up to 2,000 juvenile (less than 7 years old, including pups) male fur seals per year.

(1) Juvenile male fur seals may be killed with firearms from January 1 through May 31 annually, or may be killed using alternative hunting methods developed through the St. Paul Island Co-management Council if those methods are consistent with § 216.71 and result in substantially similar effects. A firearm is any weapon, such as a pistol or rifle, capable of firing a missile using an explosive charge as a propellant.

(2) Juvenile male fur seals may be harvested without the use of firearms from June 23 through December 31 annually. Authorized harvest may be by traditional harvest methods of herding and stunning followed immediately by exsanguination, or by alternative harvest methods developed through the St. Paul Island Co-management Council if those methods are consistent with § 216.71 and result in substantially similar effects.

(3) Pribilovians are authorized each year up to 20 mortalities of female fur seals associated with the subsistence seasons, which will be included in the total number of fur seals authorized per year for subsistence uses (2,000).

(f) *Harvest suspension provisions.*

(1) The Assistant Administrator is required to suspend the take provided for in § 216.71 on St. George and/or St. Paul Islands, as appropriate, when:

(i) He or she determines that the harvest is being conducted in a wasteful manner; or

(ii) With regard to St. George Island, two female fur seals have been killed during the subsistence seasons on St. George Island.

(2) A suspension based on a determination under paragraph (f)(1)(i) of this section may be lifted by the Assistant Administrator if he or she finds that the conditions that led to the determination that the harvest was being conducted in a wasteful manner have been remedied.

(3) A suspension based on a determination under paragraph (f)(1)(ii) of this section may be lifted by the Assistant Administrator if he or she finds that the conditions that led to the killing of two female fur seals on St. George Island have been remedied and additional or improved methods to detect female fur seals during the subsistence seasons are being implemented.

(g) *Harvest termination provisions.* The Assistant Administrator shall terminate the annual take provided for in § 216.71 on the Pribilof Islands, as follows:

(1) For St. Paul Island:

(i) For the hunting of juvenile male fur seals with firearms, at the end of the day on May 31 or when 2,000 fur seals have been killed, whichever comes first;

(ii) For the harvest of juvenile male fur seals without firearms, at the end of the day on December 31 or when 2,000 fur seals have been killed, whichever comes first; or

(iii) When 20 female fur seals have been killed during the subsistence seasons.

(2) For St. George Island:

(i) For the sub-adult male harvest, at the end of the day on August 8 or when 500 sub-adult male seals have been harvested, whichever comes first;

(ii) For the male young of the year harvest, at the end of the day on November 30 or earlier when the first of the either occurs: 150 Male young of the year fur seals have been harvested or a total of 500 male sub-adult and male young of the year fur seals have been harvested; or

(iii) When 3 female fur seals have been killed during the subsistence seasons.

* * * * *

■ 3. Revise § 216.74 to read as follows:

§ 216.74 Cooperation between fur seal harvesters, tribal and Federal Officials.

Federal scientists and Pribilovians cooperatively manage the subsistence harvest of northern fur seals under section 119 of the Marine Mammal Protection Act (16 U.S.C. 1388). The Federally recognized tribes on the Pribilof Islands have signed agreements describing a shared interest in the conservation and management of fur seals and the designation of co-management councils that meet and address the purposes of the co-management agreements for representatives from NMFS, St. George and St. Paul tribal governments. NMFS representatives are responsible for compiling information related to sources of human-caused mortality and serious injury of marine mammals. The Pribilovians are responsible for reporting their subsistence needs and actual level of subsistence take. This information is used to update stock assessment reports and make determinations under § 216.72. Pribilovians who take fur seals for subsistence uses collaborate with NMFS representatives and the respective Tribal representatives to consider best harvest practices under co-management and to facilitate scientific research.

[FR Doc. 2018–17117 Filed 8–13–18; 8:45 am]

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Notices

Federal Register

Vol. 83, No. 157

Tuesday, August 14, 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

Submission for OMB Review; Comment Request

August 9, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 13, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Consumer Complaint Monitoring System.

OMB Control Number: 0583–0133.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), and the Egg Product Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS tracks consumer complaints about meat, poultry, and egg products. Consumer complaints are usually filed because food made the consumer sick, caused an allergic reaction, was not properly labeled (misbranded).

Need and Use of the Information: The Consumer Complaint Monitoring System web portal is used primarily to track consumer complaints regarding meat, poultry, and egg products. FSIS will use the information collected from the web portal. To not collect the information from the web portal would reduce the effectiveness of the meat, poultry, and egg products inspection program.

Description of Respondents: Individuals or households.

Number of Respondents: 750.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 175.

Food Safety and Inspection Service

Title: Animal Disposition Reporting.

OMB Control Number: 0583–0139.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged. FSIS also inspects exotic animals and rabbits under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). In accordance with 9 CFR 320.6, 381.180, 352.15, and 354.91, establishments that slaughter meat, poultry, exotic animals, and rabbits are required to maintain certain records regarding their business operations and to report this information to the Agency as required.

Need and Use of the Information: FSIS will collect information from establishments using FSIS Form 6510–7, Poultry Lot Information. FSIS uses this information to plan inspection activities, to develop sampling plans, to target establishments for testing, to develop Agency budget, and to develop reports to Congress.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,159.

Frequency of Responses: Reporting: Other (daily).

Total Burden Hours: 23.180.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–17397 Filed 8–13–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0026]

Notice of Request To Renew an Approved Information Collection (Certificates of Medical Examination)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to renew the approved information collection regarding certificates of medical examination. The approval for this information collection will expire on December 31, 2018. FSIS is making no changes to the approved collection.

DATES: Submit comments on or before October 15, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov*. Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0026. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov*.

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Certificates of Medical Examination.

OMB Control Number: 0583–0167.

Expiration Date: 12/31/2018.

Type of Request: Renewal of an approved information collection.

Abstract: FSIS, by delegation (7 CFR 2.18, 2.53), exercises the functions of the Secretary as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Annually, the occupants of in-plant positions in FSIS inspect more than 8 billion birds and more than 130 million head of livestock. Veterinary Medical Officers, Food Inspectors, and Consumer Safety Inspectors check animals before and after slaughter, preventing diseased animals from entering the food supply, and examining carcasses for visible defects that can affect safety and quality. Consumer Safety Inspectors work in processed product inspection, assuring products are processed under sanitary conditions, not adulterated, and truthfully labeled. Inspection activities of Veterinary Medical Officers, Food Inspectors, and Consumer Safety Inspectors are carried out in over 6,000 privately owned establishments nationwide.

The duties performed by in-plant inspection personnel can be arduous, requiring standing and walking eight to nine hours daily, often on slippery and hazardous surfaces. Work is typically performed in high humidity and, depending on weather conditions, warm or cold temperatures. The work involves frequent contact with animal tissues, animal body fluids, chemical sanitation rinses and water.

FSIS is requesting a renewal of the approved information collection regarding certificates of medical examination so that FSIS can determine whether or not an applicant for a Food Inspector, Consumer Safety Inspector, or Veterinary Medical Officer in-plant position meets the Office of Personnel Management (OPM)-approved medical qualification standards for the position. The certificates of medical examination ensure accurate collection of the required data. The OPM-approved medical qualification standards apply only to positions in FSIS, not positions in other Federal agencies. FSIS is making no changes to the approved collection. The approval for this information collection will expire on December 31, 2018.

When requesting that applicants for the positions listed above undergo the medical examination, a representative of FSIS notifies the applicants in writing of the reasons for the examination, the process, and the consequences of the failure to report for an examination or provide medical documentation. Any physical condition that would hinder an individual's full, efficient, and safe performance of his or her duties is considered disqualifying for employment, except when convincing evidence is presented that the individual can perform the essential functions of the job efficiently and without hazard.

In accordance with the Rehabilitation Act of 1973, and the Americans with Disabilities Act Amendments Act of 2008, FSIS will make reasonable accommodations for the known physical or mental limitations of qualified individuals with disabilities unless the accommodation would impose an undue hardship on the operation of FSIS.

FSIS has made the following estimates on the basis of an information collection assessment.

Estimate of Burden: FSIS estimates that it will take each respondent 90 minutes to complete the form.

Respondents: FSIS Applicants for Food Inspector, Consumer Safety Inspector, and Veterinary Medical Officer in-plant positions.

Estimated Number of Respondents: 500 respondents.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 750 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email: *Mail:* U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, *Fax:* (202) 690–7442, *Email: program.intake@usda.gov*.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–17424 Filed 8–13–18; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2018–0028]

Notice of Request for a New Information Collection: Foodborne Illness Outbreak Investigation Survey for FSIS Public Health Partners

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to collect information from state and territorial government partners on ways to strengthen collaborative response to illness outbreaks associated with FSIS-regulated food products. The purpose of this information collection is to inform FSIS partner outreach efforts in order to effectively investigate and prevent foodborne illnesses.

DATES: Submit comments on or before October 15, 2018.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2018–0028. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202) 720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Foodborne Illness Outbreak Investigation Survey for FSIS Public Health Partners.

Type of Request: New information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53) as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS's Office of Public Health Science (OPHS) provides the scientific leadership necessary for the support of science-based food safety programs and policies implemented to reduce foodborne illnesses and deaths associated with FSIS-regulated products. As part of OPHS, the Applied Epidemiology Staff (AES) collaborates with public health partners in local, state, and federal government agencies to detect, respond to, and prevent foodborne illnesses, outbreaks, and food adulteration events. Effective communication between partners facilitates rapid investigation and control measures.

To promote successful partnerships, FSIS will administer a series of surveys regarding foodborne illness outbreak investigation to state and territorial government partners. The results of these surveys will help FSIS assess communication trends and prioritize outreach efforts. The surveys will be conducted annually in Fiscal Years 2019, 2020, and 2021. The surveys will be sent to approximately 112 state and territorial government employees each fiscal year.

Estimate of Burden:

ESTIMATED ANNUAL REPORTING BURDEN FOR THE FY 2019 SURVEY

Respondents	Number of respondents	Participation time (minutes)	Burden (hours)
State and territorial government employees	112	10	18.7

ESTIMATED ANNUAL REPORTING BURDEN FOR THE FY 2020 SURVEY

Respondents	Number of respondents	Participation time (minutes)	Burden (hours)
State and territorial government employees	112	10	18.7

ESTIMATED ANNUAL REPORTING BURDEN FOR THE FY 2021 SURVEY

Respondents	Estimated number of respondents	Participation time (minutes)	Burden (hours)
State and territorial government employees	112	10	18.7

Respondents: State and territorial government employees.

Estimated No. of Respondents: 336.

Estimated No. of Annual Responses per Respondent: 1.

Estimated Total Burden on Respondents: 56 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

Responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–17427 Filed 8–13–18; 8:45 am]

BILLING CODE 3410–DM–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: Correction and extension of comment period.

SUMMARY: The USDA Forest Service, Bridger-Teton National Forest (BTNF) published in the **Federal Register** on August 3, 2018 a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Snow King Mountain Resort On-mountain Improvements Project. The NOI referenced an incorrect project website address and the date the comment period ends was unclear; this notice provides a technical correction to the NOI to provide the correct website and also clarifies and extends the scoping comment period.

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:

Correction

In the **Federal Register** on August 3, 2018 (83 FR 38117), on p. 38117, in the first column, correct the **DATES** caption to read:

DATES: Comments concerning the scope of the analysis must be received by September 13, 2018.

Correction

In the **Federal Register** on August 3, 2018 (83 FR 38117) on page 38118, in the second column, correct the first paragraph (under **SUPPLEMENTARY INFORMATION** caption, in the Proposed Action subheading) to read:

A more detailed description of the proposed action, including maps, is available at: *http://www.fs.usda.gov/project/?project=54201.*

Dated: August 6, 2018.

Kevin Heikkila,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2018–17511 Filed 8–13–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Solicitation of Applications for the Rural Energy for America Program for Fiscal Year 2019

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (the Agency) Notice of Solicitation of Applications (NOSA) is being issued prior to passage of a final appropriations act to allow potential applicants time to submit applications for financial assistance under Rural Energy for America Program (REAP) for Federal Fiscal Year (FY) 2019, and give the Agency time to process applications within the current FY. This NOSA is being issued prior to enactment of full year appropriation for FY2019. The Agency will publish the amount of funding received in any continuing resolution or the final appropriations act on its website at *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas.* Expenses incurred in developing applications will be at the applicant's risk.

The REAP has two types of funding assistance: (1) Renewable Energy Systems and Energy Efficiency Improvements Assistance and (2) Energy Audit and Renewable Energy Development Assistance Grants.

The Renewable Energy Systems and Energy Efficiency Improvement Assistance provides grants and guaranteed loans to agricultural producers and rural small businesses to purchase and install renewable energy systems and make energy efficiency improvements to their operations. Eligible renewable energy systems for REAP provide energy from: Wind, solar, renewable biomass (including anaerobic digesters), small hydro-electric, ocean, geothermal, or hydrogen derived from these renewable resources.

The Energy Audit and Renewable Energy Development Assistance Grant is available to a unit of State, Tribal, or local government; instrumentality of a State, Tribal, or local government; institution of higher education; rural electric cooperative; a public power entity; or a council, as defined in 16 U.S.C. 3451. The recipient of grant funds, grantee, will establish a program to assist agricultural producers and rural small businesses with evaluating the energy efficiency and the potential to incorporate renewable energy technologies into their operations.

DATES: See under **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: The applicable USDA Rural Development Energy Coordinator for your respective State, as identified via the following link: *https://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

For information about this Notice, please contact Anthony Crooks, Rural Energy Policy Specialist, USDA Rural Development, Energy Division, 1400 Independence Avenue SW, Stop 3225, Room 6870, Washington, DC 20250. Telephone:(202) 205–9322. Email: *anthony.crooks@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

I. Program Description

The Rural Energy for America Program (REAP) helps agricultural producers and rural small businesses reduce energy costs and consumption and helps meet the Nation's critical energy needs. REAP has two types of funding assistance: (1) Renewable Energy Systems and Energy Efficiency Improvements Assistance and (2) Energy Audit and Renewable Energy Development Assistance Grants.

The Renewable Energy Systems and Energy Efficiency Improvements Assistance provides grants and guaranteed loans to agricultural producers and rural small businesses for renewable energy systems and energy efficiency improvements. Eligible renewable energy systems for REAP provide energy from: Wind, solar, renewable biomass (including anaerobic digesters), small hydro-electric, ocean, geothermal, or hydrogen derived from these renewable resources.

The Energy Audit and Renewable Energy Development Assistance Grant is available to a unit of State, Tribal, or local government; instrumentality of a State, Tribal, or local government; institution of higher education; rural electric cooperative; a public power entity; or a council, as defined in 16 U.S.C. 3451. The recipient of grant funds, grantee, will establish a program to assist agricultural producers and rural small businesses with evaluating the energy efficiency and the potential to incorporate renewable energy technologies into their operations.

A. *General.* Applications for REAP can be submitted any time throughout the year. This Notice announces the deadlines, dates and times that applications must be received in order to be considered for REAP funds provided by the Agricultural Act of 2014, (2014 Farm Bill), and any appropriated funds that REAP may receive from the appropriation for FY 2019 for grants, guaranteed loans, and combined grants and guaranteed loans to purchase and install renewable energy systems, and make energy efficiency improvements; and for grants to conduct energy audits and renewable energy development assistance.

The Notice of Solicitation of Applications (NOSA) announces the acceptance of applications under REAP for FY 2019 for grants, guaranteed loans, and combined grants and guaranteed loans for the development of renewable energy systems and energy efficiency projects as provided by the Agricultural Act of 2014 (2014 Farm Bill). The Notice also announces the acceptance of applications under REAP for FY 2019 for energy audit and renewable energy development assistance grants as provided by the 2014 Farm Bill.

The administrative requirements in effect at the time the application window closes for a competition will be applicable to each type of funding available under REAP and are described in 7 CFR part 4280, subpart B. In addition to the other provisions of this Notice:

(1) The provisions specified in 7 CFR 4280.101 through 4280.111 apply to each funding type described in this Notice.

(2) The requirements specified in 7 CFR 4280.112 through 4280.124 apply to renewable energy system and energy efficiency improvements project grants.

(3) The requirements specified in 7 CFR 4280.125 through 4280.152 apply to guaranteed loans for renewable energy system and energy efficiency improvements projects. For FY 2019, the guarantee fee amount is one percent of the guaranteed portion of the loan, and the annual renewal fee is one-quarter of 1 percent (0.250 percent) of the guaranteed portion of the loan.

(4) The requirements specified in 7 CFR 4280.165 apply to a combined grant and guaranteed loan for renewable energy system and energy efficiency improvements projects.

(5) The requirements specified in 7 CFR 4280.186 through 4280.196 apply to energy audit and renewable energy development assistance grants.

II. Federal Award Information

A. *Statutory Authority.* This program is authorized under 7 U.S.C. 8107.

B. *Catalog of Federal Domestic Assistance (CFDA) Number.* 10.868.

C. *Funds Available.* This Notice is announcing deadline times and dates for applications to be submitted for REAP funds provided by the 2014 Farm Bill and any appropriated funds that REAP may receive from the congressional enactment of a full-year appropriation for FY 2019. This Notice is being published prior to the congressional enactment of a full-year appropriation for FY 2019. The Agency will continue to process applications received under this announcement and should REAP receive appropriated funds, these funds will be announced on the following website: *https://www.rd.usda.gov/programs-services/rural-energy-america-program-renewable-energy-systems-energy-efficiency,* and are subject to the same provisions in this Notice.

To ensure that small projects have a fair opportunity to compete for the funding and are consistent with the priorities set forth in the statute, the Agency will set-aside not less than 20 percent of the FY 2019 funds until June 29, 2019, to fund grants of $20,000 or less.

(1) *Renewable energy system and energy efficiency improvements grant-funds.* There will be allocations of grant funds to each Rural Development State Office for renewable energy system and energy efficiency improvements applications. The State allocations will include an allocation for grants of $20,000 or less funds and an allocation of grant funds that can be used to fund renewable energy system and energy efficiency improvements applications for either grants of $20,000 or less or grants of more than $20,000, as well as the grant portion of a combination grant and guaranteed loan. These funds are commonly referred to as unrestricted grant funds. The funds for grants of $20,000 or less can only be used to fund grants requesting $20,000 or less, which includes the grant portion of combination requests when applicable.

(2) *Renewable energy system and energy efficiency improvements loan guarantee funds.* Rural Development's National Office will maintain a reserve of guaranteed loan funds.

(3) *Renewable energy system and energy efficiency improvements combined grant and guaranteed loan funds.* Funding availability for combined grant and guaranteed loan applications are outlined in paragraphs II.(C)(1) and II.(C)(2) of this Notice.

(4) *Energy audit and renewable energy development assistance grant funds.* The amount of funds available for energy audits and renewable energy development assistance in FY 2019 will be 4 percent of FY 2019 mandatory funds and will be maintained in a National Office reserve. Obligations of these funds will take place through March 30, 2019. Any unobligated balances will be moved to the renewable energy budget authority account and may be utilized in any of the renewable energy system and energy efficiency improvements national competitions.

D. *Approximate Number of Awards.* The estimated number of awards is 1,000 based on the historical average grant size and the anticipated mandatory funding of $50 million for FY 2019, but will depend on the actual amount of funds made available and on the number of eligible applicants participating in this program.

E. *Type of Instrument.* Grant, guaranteed loan, and grant/guaranteed loan combinations.

III. Eligibility Information

The eligibility requirements for the applicant, borrower, lender, and project (as applicable) are clarified in 7 CFR part 4280 subpart B, and are summarized in this Notice. Failure to meet the eligibility criteria by the time of the competition window may result in the Agency reviewing an application, but will preclude the application from receiving funding until all eligibility criteria have been met.

A. *Eligible Applicants.* This solicitation is for applications from agricultural producers and rural small businesses for grants or guaranteed loans, or a combination grant and guaranteed loan, for the purpose of purchasing and installing renewable energy systems and energy efficiency improvements. This solicitation is also for applications for Energy Audit or a Renewable Development Assistance grants from units of State, Tribal, or local government; instrumentalities of a State, Tribal, or local government; institutions of higher education; rural electric cooperatives; public power entities; and councils, as defined in 16 U.S.C. 3451, which serve agricultural producers and rural small businesses. To be eligible for the grant portion of the program, an applicant must meet the requirements specified in 7 CFR 4280.110, and 7 CFR 4280.112, or 7 CFR 4280.186, as applicable.

B. *Eligible Lenders and Borrowers.* To be eligible for the guaranteed loan portion of the program, lenders and borrowers must meet the eligibility

requirements in 7 CFR 4280.125 and 7 CFR 4280.127, as applicable.

C. *Eligible Projects.* To be eligible for this program, a project must meet the eligibility requirements specified in 7 CFR 4280.113, 7 CFR 4280.128, and 7 CFR 4280.187, as applicable.

D. *Cost Sharing or Matching.* The 2014 Farm Bill mandates the maximum percentages of funding that REAP can provide. Additional clarification is provided in paragraphs IV.E.(1) through (3) of this Notice.

(1) *Renewable energy system and energy efficiency improvements funding.* Requests for guaranteed loan and combined grant and guaranteed loan will not exceed 75 percent of total eligible project costs, with any Federal grant portion not to exceed 25 percent of total eligible project costs, whether the grant is part of a combination request or is a grant-only.

(2) *Energy audit and renewable energy development funds.* Requests for the energy audit and renewable energy development assistance grants, will indicate that the grantee that conducts energy audits must require that, as a condition of providing the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit. The Agency recommended practice for on farm energy audits, audits for agricultural producers, ranchers, and farmers is the American Society of Agricultural and Biological Engineers S612 Level II audit. This audit conforms to program standards used by the Natural Resource Conservation Service. As per 7 CFR 4280.110(a), an applicant who has received one or more grants under this program must have made satisfactory progress towards completion of any previously funded projects before being considered for subsequent funding. The Agency interprets satisfactory progress as at least 50 percent of previous awards expended by January 31, 2019. Those who cannot meet this requirement will be determined to be a ''risk'' pursuant to 2 CFR 200.205 and may be determined in-eligible for a subsequent grant or have special conditions imposed.

E. *Other.* Ineligible project costs can be found in 7 CFR 4280.114(d), 7 CFR 4280.129(f), and 7 CFR 4280.188(c), as applicable. The U.S. Department of Agriculture Departmental Regulations and Laws that contain other compliance requirements are referenced in paragraphs VI.B.(1) through (3), and IV.F of this Notice. Applicants who have been found to be in violation of applicable Federal statutes will be ineligible.

IV. Application and Submission Information

A. *Address to Request Application Package.* Application materials may be obtained by contacting one of Rural Development's Energy Coordinators, as identified via the following link: *https://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.* In addition, for grant applications, applicants may obtain electronic grant applications for REAP from *www.grants.gov.*

B. *Content and Form of Application Submission.* Applicants seeking to participate in this program must submit applications in accordance with this Notice and 7 CFR part 4280, subpart B. Applicants must submit complete applications by the dates identified in Section IV.C., of this Notice, containing all parts necessary for the Agency to determine applicant and project eligibility, to score the application, and to conduct the technical evaluation, as applicable, in order to be considered.

(1) *Renewable energy system and energy efficiency improvements grant application.*

(a) Information for the required content of a grant application to be considered complete is found in 7 CFR part 4280, subpart B.

(i) Grant applications for renewable energy systems and energy efficiency improvements projects with total project costs of $80,000 or less must provide information required by 7 CFR 4280.119.

(ii) Grant applications for renewable energy systems and energy efficiency improvements projects with total project costs of $200,000 or less, but more than $80,000, must provide information required by 7 CFR 4280.118.

(iii) Grant applications for renewable energy systems and energy efficiency improvements projects with total project costs of greater than $200,000 must provide information required by 7 CFR 4280.117.

(iv) Grant applications for energy audits or renewable energy development assistance grant applications must provide information required by 7 CFR 4280.190.

(b) All grant applications must be submitted either as hard copy to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located, or electronically using the Government-wide *www.grants.gov* website.

(i) Applicants submitting a grant application as a hard copy must submit one original to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located. A list of USDA Rural Development Energy Coordinators is available via the following link: *https://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

(ii) Applicants submitting a grant application to the Agency via *www.grants.gov* (website) will find information about submitting an application electronically through the website, and may download a copy of the application package to complete it off line, upload and submit the completed application, including all necessary assurances and certifications, via *www.grants.gov.* After electronically submitting an application through the website, the applicant will receive an automated acknowledgement from *www.grants.gov* that contains a *www.grants.gov* tracking number. USDA Rural Development strongly recommends that applicants do not wait until the application deadline date to begin the application process through *www.grants.gov.*

(c) After successful applicants are notified of the intent to make a Federal award, applicants must meet the requirements of 7 CFR 4280.122(a) through (h) for the grant agreement to be executed.

(2) *Renewable energy system and energy efficiency improvements guaranteed loan application.*

(a) Information for the content required for a guaranteed loan application to be considered complete is found in 7 CFR 4280.137.

(b) All guaranteed loan applications must be submitted as a hard copy to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located. A list of USDA Rural Development Energy Coordinators is available via the following link: *https://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

(c) After successful applicants are notified of the intent to make a Federal award, borrowers must meet the conditions prior to issuance of loan note guarantee as outlined in 7 CFR 4280.142.

(3) *Renewable energy system and energy efficiency improvements combined guaranteed loan and grant application.*

(a) Information for the content required for a combined guaranteed loan and grant application to be considered complete is found in 7 CFR 4280.165(c).

(c) After successful applicants are notified of the intent to make a Federal award, applicants must meet the requirements of 7 CFR 4280.122(a) through (h) for the grant agreement to be executed.

(2) *Renewable energy system and energy efficiency improvements guaranteed loan application.*

(a) Information for the content required for a guaranteed loan application to be considered complete is found in 7 CFR 4280.137.

(b) All guaranteed loan applications must be submitted as a hard copy to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located. A list of USDA Rural Development Energy Coordinators is available via the following link: *https://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

(c) After successful applicants are notified of the intent to make a Federal award, borrowers must meet the conditions prior to issuance of loan note guarantee as outlined in 7 CFR 4280.142.

(3) *Renewable energy system and energy efficiency improvements combined guaranteed loan and grant application.*

(a) Information for the content required for a combined guaranteed loan and grant application to be considered complete is found in 7 CFR 4280.165(c).

(b) All combined guaranteed loan and grant applications must be submitted as hard copy to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located. A list of USDA Rural Development Energy Coordinators is available via the following link: *www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

(c) After successful applicants are notified of the intent to make a Federal award, applicants must meet the requirements, including the requisite forms and certifications, specified in 7 CFR 4280.117, 4280.118, 4280.119, and 4280.137, as applicable, for the issuance of a grant agreement and loan note guarantee.

(4) *Energy audits or renewable development assistance grant applications.*

(a) Grant applications for energy audits or renewable energy development assistance must provide the information required by 7 CFR 4280.190 to be considered a complete application.

(b) All energy audits or renewable development assistance grant applications must be submitted either as hard copy to the appropriate Rural Development Energy Coordinator in the State in which the applicant's proposed project is located, electronically using the Government-wide *www.grants.gov* website, or via an alternative electronic format with electronic signature followed up by providing original signatures to the appropriate Rural Development office. Instructions for submission of the application can be found at section IV.B. of this Notice.

(c) After successful applicants are notified of the intent to make a Federal award, applicants must meet the requirements of 7 CFR 4280.195 for the grant agreement to be executed.

5. *Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM).* Unless exempt under 2 CFR 25.110, or who have an exception approved by the Federal awarding agency under 2 CFR 25.110(d), applicants as applicable are required to:

(a) Grant applicants must be registered in SAM prior to submitting a grant application; which can be obtained at no cost via a toll-free request line at (866) 705–5711 or online at *www.sam.gov.* Registration of new entities in SAM requires an original, signed notarized letter stating that you are the authorized Entity Administrator before your registration will be activated.

(b) Guaranteed loan applicants are required to have an active SAM registration prior to obligation and must maintain the active registration until all funds are disbursed to the lender by the Agency.

(c) Provide a valid DUNS number in its grant or loan application.

(d) Continue to maintain an active SAM registration with current information at all times during which it has an active Federal grant award or a grant application under consideration by the Agency.

(e) If an applicant has not fully complied with the requirements of IV.C.(1) through (3) at the time the Agency is ready to make an award, the Agency may determine the applicant is not eligible to receive the award.

C. *Submission Dates and Times.* Grant applications, guaranteed loan-only applications, and combined grant and guaranteed loan applications for financial assistance provided by the 2014 Farm Bill for FY 2019, and for appropriated funds that REAP may receive from the appropriation for FY 2019, may be submitted at any time on an ongoing basis. When an application window closes, the next application window opens on the following day. This Notice establishes the deadline dates for the applications to be received in order to be considered for funding. If an application window falls on a Saturday, Sunday, or Federal holiday, the application package is due the next business day. An application received after these dates will be considered with other applications received in the next application window. In order to be considered for funds under this Notice, complete applications must be received by the appropriate USDA Rural Development State Office or via *www.grants.gov.* The deadline for applications to be received to be considered for funding in FY 2019 are outlined in the following paragraphs and also summarized in a table at the end of this section:

(1) *Renewable energy system and energy efficiency improvements grant applications and combination grant and guaranteed loan applications.* As per RD Instruction 4280–B Application deadlines for FY 2019 grant funds are:

(a) For applicants requesting a grant only of $20,000 or less or a combination grant and guaranteed loan where the grant request is $20,000 or less, that wish to have their grant application compete for the ''Grants of $20,000 or less set aside,'' complete applications must be received no later than

(i) 4:30 p.m. local time on October 31, 2018, or

(ii) 4:30 p.m. local time on April 1, 2019.

(b) For applicants requesting a grant only of over $20,000 (unrestricted) or a combination grant and guaranteed loan where the grant request is greater than $20,000, complete applications must be received no later than 4:30 p.m. local time on April 1, 2019.

(2) *Renewable energy system and energy efficiency improvements guaranteed loan-only applications.* Eligible applications will be reviewed and processed when received for periodic competitions.

(3) *Energy audits and renewable energy development assistance grant applications.* Applications must be received no later than 4:30 p.m. local time on January 31, 2019.

Application	Application window opening dates	Application window closing dates
Renewable Energy Systems and Energy Efficiency Improvements Grants ($20,000 or less grant only request or a combination grant and guaranteed loan where the grant request is $20,000 or less competing for up to approximately 50 percent of the set aside funds).	May 1, 2018	October 31, 2018.

Application	Application window opening dates	Application window closing dates
Renewable Energy Systems and Energy Efficiency Improvements Grants ($20,000 or less grant only request or a combination grant and guaranteed loan where the grant request is $20,000 or less competing for the remaining set aside funds).	November 1, 2018	April 1, 2019.*
Renewable Energy Systems and Energy Efficiency Improvements Grants (Unrestricted grants, including combination grant and guaranteed loan where the grant request is greater than $20,000).	May 1, 2018	April 1, 2019.*
Renewable Energy Systems and Energy Efficiency Improvements Guaranteed Loans	Continuous application cycle.	Continuous application cycle.
Energy Audit and Renewable Energy Development Assistance Grants	February 1, 2018	January 31, 2019.

* Applications received after this date will be considered for the next funding cycle in the subsequent FY.

D. *Intergovernmental Review.* REAP is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

E. *Funding Restrictions.* The following funding limitations apply to applications submitted under this Notice.

(1) *Renewable energy system and energy efficiency improvements projects.*

(a) Applicants can be awarded only one renewable energy system grant and one energy efficiency improvement grant in FY 2019.

(b) For renewable energy system grants, the minimum grant is $2,500 and the maximum is $500,000. For energy efficiency improvements grants, the minimum grant is $1,500 and the maximum grant is $250,000.

(c) For renewable energy system and energy efficiency improvements loan guarantees, the minimum REAP guaranteed loan amount is $5,000 and the maximum amount of a guaranteed loan to be provided to a borrower is $25 million.

(d) Renewable energy system and energy efficiency improvements guaranteed loan and grant combination applications. Paragraphs IV.E.(1)(b) and (c) of this Notice contain the applicable maximum amounts and minimum amounts for grants and guaranteed loans. Requests for guaranteed loan and combined grant and guaranteed loan will not exceed 75 percent of eligible project costs, with any Federal grant portion not to exceed 25 percent of the eligible project costs, whether the grant is part of a combination request or is a grant-only.

(2) *Energy audit and renewable energy development assistance grants.*

(a) Applicants may submit only one energy audit grant application and one renewable energy development assistance grant application for FY 2019 funds.

(b) The maximum aggregate amount of energy audit and renewable energy development assistance grants awarded to any one recipient under this Notice cannot exceed $100,000 for FY 2019.

(c) The 2014 Farm Bill mandates that the recipient of a grant that conducts an energy audit for an agricultural producer or a rural small business must require the agricultural producer or rural small business to pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the audit.

(3) *Maximum grant assistance to an entity.* For the purposes of this Notice, the maximum amount of grant assistance to an entity will not exceed $750,000 for FY 2019 based on the total amount of the renewable energy system, energy efficiency improvements, energy audit, and renewable energy development assistance grants awarded to an entity under REAP.

F. *Other Submission Requirements.*

(1) *Environmental information.* For the Agency to consider an application, the application must include all environmental review documents with supporting documentation in accordance with 7 CFR part 1970. Any required environmental review must be completed prior to obligation of funds or the approval of the application. Applicants are advised to contact the Agency to determine environmental requirements as soon as practicable to ensure adequate review time.

(2) *Felony conviction and tax delinquent status.* Corporate applicants submitting applications under this Notice must include Form AD 3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants.'' Corporate applicants who receive an award under this Notice will be required to sign Form AD 3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Both forms can be found online at *http://www.ocio.usda.gov/document/ad3030* and *http://www.ocio.usda.gov/document/ad3031.*

(3) *Original signatures.* USDA Rural Development may request that the applicant provide original signatures on forms submitted through *www.grants.gov* at a later date.

(4) *Transparency Act Reporting.* All recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation in accordance with 2 CFR part 170. If an applicant does not have an exception under 2 CFR 170.110(b), the applicant must then ensure that they have the necessary processes and systems in place to comply with the reporting requirements to receive funding.

(5) *Race, ethnicity, and gender.* The Agency is requesting that each applicant provide race, ethnicity, and gender information about the applicant. The information will allow the Agency to evaluate its outreach efforts to under-served and under-represented populations. Applicants are encouraged to furnish this information with their applications, but are not required to do so. An applicant's eligibility or the likelihood of receiving an award will not be impacted by furnishing or not furnishing this information. However, failure to furnish this information may preclude the *awarding* of State Director and Administrator points in Section V.E.(3) of this Notice.

(6) *Transfer of obligations.* REAP grant obligations will be serviced in accordance with 7 CFR 4280.123 and 7 CFR 4280.196 as applicable. Transfer of obligations will no longer be considered by the Agency.

V. Application Review Information

A. *Criteria.* In accordance with 7 CFR part 4280 subpart B, the application dates published in Section IV.C. of this Notice identify the times and dates by which complete applications must be received in order to compete for the funds available.

(1) *Renewable energy systems and energy efficiency improvements grant applications.* Complete renewable energy systems and energy efficiency improvements grant applications are eligible to compete in competitions as described in 7 CFR 4280.121.

(a) Complete renewable energy systems and energy efficiency improvements grant applications

requesting $20,000 or less are eligible to compete in up to five competitions within the FY as described in 7 CFR 4280.121(b). If the application remains unfunded after the final National Office competition for the FY it must be withdrawn. Pursuant to the publication of this announcement, all complete and eligible applications will be limited to competing in the FY that the application was received, versus rolling into the following FY, which may result in less than five total competitions. This was effective for any application submitted on or after April 1, 2017.

(b) Complete renewable energy systems and energy efficiency improvements grant applications, regardless of the amount of funding requested, are eligible to compete in two competitions a FY—a State competition and a national competition as described in 7 CFR 4280.121(a).

(2) *Renewable energy systems and energy efficiency improvements guaranteed loan applications.* Complete guaranteed loan applications are eligible for periodic competitions as described in 7 CFR 4280.139(a).

(3) *Renewable energy systems and energy efficiency improvements combined guaranteed loan and grant applications.* Complete combined guaranteed loan and grant applications with requests of $20,000 or less are eligible to compete in up to five competitions within the FY as described in 7 CFR 4280.121(b). Combination applications where the grant request is greater than $20,000, are eligible to compete in two competitions a FY—a State competition and a national competition as described in 7 CFR 4280.121(a).

(4) *Energy audit and renewable energy development assistance grant applications.* Complete energy audit and renewable energy development assistance grants applications are eligible to compete in one national competition per FY as described in 7 CFR 4280.193.

B. *Review and Selection Process.* All complete applications will be scored in accordance with 7 CFR part 4280 subpart B and this section of the Notice. Specifically, sections C and D below outline revisions to the scoring criteria found in 7 CFR 4280.120.

(1) *Renewable energy systems and energy efficiency improvements grant applications.* Renewable energy system and energy efficiency grant applications will be scored in accordance with 7 CFR 4280.120 and selections will be made in accordance with 7 CFR 4280.121. For grant applications requesting greater than $250,000 for renewable energy systems, and/or greater than $125,000 for energy efficiency improvements a maximum score of 90 points is possible. For grant applications requesting $250,000 or less for renewable energy systems and/or $125,000 or less for energy efficiency improvements, an additional 10 points may be awarded such that a maximum score of 100 points is possible. Due to the competitive nature of this program, applications are competed based on submittal date. The submittal date is the date the Agency receives a complete application. The complete application date is the date the Agency receives the last piece of information that allows the Agency to determine eligibility and to score, rank, and compete the application for funding.

(a) Funds for renewable energy system and energy efficiency improvements grants of $20,000 or less will be allocated to the States. Eligible applications must be submitted by April 1, 2019, in order to be considered for these set-aside funds. Approximately 50 percent of these funds will be made available for those complete applications the Agency receives by October 31, 2018, and approximately 50 percent of the funds for those complete applications the Agency receives by April 1, 2019. All unused State allocated funds for grants of $20,000 or less will be pooled to the National Office.

(b) Eligible applications received by April 1, 2019, for renewable energy system and energy efficiency improvements grants of $20,000 or less, that are not funded by State allocations can be submitted to the National Office to compete against grant applications of $20,000 or less from other States at a national competition. Obligations of these funds will take place prior to June 28, 2019.

(c) Eligible applications for renewable energy system and energy efficiency improvements, regardless of the amount of the funding request, received by April 30, 2019, can compete for unrestricted grant funds. Unrestricted grant funds will be allocated to the States. All unused State allocated unrestricted grant funds will be pooled to the National Office.

(d) National unrestricted grant funds for all eligible renewable energy system and energy efficiency improvements grant applications received by April 30, 2019, which include grants of $20,000 or less, that are not funded by State allocations can be submitted to the National Office to compete against grant applications from other States at a final national competition.

(2) *Renewable energy systems and energy efficiency improvements guaranteed loan applications.* Renewable energy systems and energy efficiency improvements guaranteed loan applications will be scored in accordance with 7 CFR 4280.135 and selections will be made in accordance with 7 CFR 4280.139. The National Office will maintain a reserve for renewable energy system and energy efficiency improvements guaranteed loan funds. Applications will be reviewed and processed when received. Those applications that meet the Agency's underwriting requirements, are credit worthy, and score a minimum of 40 points will compete in national competitions for guaranteed loan funds periodically. All unfunded eligible guaranteed loan-only applications received that do not score at least 40 points will be competed against other guaranteed loan-only applications from other States at a final national competition, if the guaranteed loan reserves have not been completely depleted, on September 2, 2019. If funds remain after the final guaranteed loan-only national competition, the Agency may elect to utilize budget authority to fund additional grant-only applications.

(3) *Renewable energy systems and energy efficiency improvements combined grant and guaranteed loan applications.* Renewable energy systems and energy efficiency improvements combined grant and guaranteed loan applications will be scored in accordance with 7 CFR 4280.120 and selections will be made in accordance with 7 CFR 4280.121. For combined grant and guaranteed loan applications requesting grant funds of $250,000 or less for renewable energy systems, or $125,000 or less for energy efficiency improvements, a maximum score of 100 points is possible. For combined grant and guaranteed loan applications requesting grant funds of more than $250,000 for renewable energy systems, or more than $125,000 for energy efficiency improvements, a maximum score of 90 points is possible.

Renewable energy system and energy efficiency improvements combined grant and guaranteed loan applications will compete with grant-only applications for grant funds allocated to their State. If the application is ranked high enough to receive State allocated grant funds, the State will request funding for the guaranteed loan portion of any combined grant and guaranteed loan applications from the National Office guaranteed loan reserve, and no further competition will be required. All unfunded eligible applications for combined grant and guaranteed loan applications that are received by April 30, 2019, and that are not funded by

State allocations can be submitted to the National Office to compete against other grant and combined grant and guaranteed loan applications from other States at a final national competition.

(4) *Energy audit and renewable energy development assistance grant applications.* Energy audit and renewable energy development assistance grants will be scored in accordance with 7 CFR 4280.192 and selections will be made in accordance with 7 CFR 4280.193. Energy audit and renewable energy development assistance grant funds will be maintained in a reserve at the National Office. Applications received by January 31, 2019, will compete for funding at a national competition, based on the scoring criteria established under 7 CFR 4280.192. If funds remain after the energy audit and renewable energy development assistance national competition, the Agency may elect to transfer budget authority to fund additional renewable energy system and energy efficiency improvements grants from the National Office reserve after pooling.

C. Size of Agricultural Producer or Rural Small Business. In alignment with the Report to the President of the United States from the Task Force on Agriculture and Rural Prosperity, the criterion noted in 7 CFR 4280.120(d) which allows for a maximum of 10 points to be awarded based on the size of the Applicant's agricultural operation or business concern, as applicable, compared to the SBA Small Business size standards categorized by NAICS found in 13 CFR 121.201, is being removed for applications for renewable energy systems or energy efficiency improvements effective as of the date of this publication.

D. *State Director and Administrator Points.* The criterion noted in 7 CFR 4280.120(g) allows for the State Director and the Administrator to take into consideration paragraphs V.D.(1) through (5) below in the awarding of up to 10 points for eligible renewable energy systems and energy efficiency improvement grant applications submitted in FY 2019:

(1) May allow for applications for an under-represented technology to receive additional points.

(2) May allow for applications that help achieve geographic diversity to receive additional points. This may include priority points for smaller grant requests which enhances geographic diversity.

(3) May allow for applicants who are members of unserved or under-served populations to receive additional points if one of the following criteria are met:

(a) Owned by a veteran, including but not limited to individuals as sole proprietors, members, partners, stockholders, etc., of not less than 20 percent. In order to receive points, applicants must provide a statement in their applications to indicate that owners of the project have veteran status; or

(b) Owned by a member of a socially-disadvantaged group, which are groups whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities. In order to receive points, the application must include a statement to indicate that the owners of the project are members of a socially-disadvantaged group.

(4) May allow for applications that further a Presidential initiative, or a Secretary of Agriculture priority, including Federally declared disaster areas, to receive additional points.

(5) The proposed project is located in an impoverished area, has experienced long-term population decline or loss of employment.

E. *Other Submission Requirements.* Grant-only applications, guaranteed loan-only applications, and combined grant and guaranteed loan applications for financial assistance may be submitted at any time. In order to be considered for funds, complete applications must be received by the appropriate USDA Rural Development State Office in which the applicant's proposed project is located, or via *www.grants.gov,* as identified in Section IV.C., of this Notice.

(1) *Insufficient funds.* If funds are not sufficient to fund the total amount of an application:

(a) For State allocated funds:

(i) The applicant must be notified that they may accept the remaining funds or submit the total request for National Office reserve funds available after pooling. If the applicant agrees to lower its grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project.

(ii) If two or more grant or combination applications have the same score and remaining funds in the State allocation are insufficient to fully award them, the Agency will notify the applicants that they may either accept the proportional amount of funds or submit their total request for National Office reserve funds available after pooling. If the applicant agrees to lower its grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project.

(b) The applicant notification for national funds will depend on the competition as follows:

(i) For an application requesting a grant of $20,000 or less or a combination application where the grant amount is $20,000 or less from set-aside pooled funds, the applicant must be notified that they may accept the remaining funds, or submit the total request to compete in the unrestricted state competition. If the applicant agrees to lower the grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project. A declined partial award counts as a competition.

(ii) For an application requesting a grant of $20,000 or less or a combination application where the grant amount is $20,000 or less from unrestricted pooled funds, in which this is the final competition or for those applications requesting grants of over $20,000 and combined grant and guaranteed loan application, the applicant must be notified that they may accept the remaining funds or their grant application will be withdrawn. If the applicant agrees to lower the grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project.

(iii) If two or more grant or combination applications have the same score and remaining funds are insufficient to fully award them, the Agency will notify the applicants that they may either accept the proportional amount of funds or be notified in accordance with V.D.(1)(b)(i) or (ii), as applicable.

(iv) At its discretion, the Agency may instead allow the remaining funds to be carried over to the next FY rather than selecting a lower scoring application(s) or distributing funds on a pro-rata basis.

(2) *Award considerations.* All award considerations will be on a discretionary basis. In determining the amount of a renewable energy system or energy efficiency improvements grant or loan guarantee, the Agency will consider the six criteria specified in 7 CFR 4280.114(e) or 7 CFR 4280.129(g), as applicable.

(3) *Notification of funding determination.* As per 7 CFR 4280.111(c) all applicants will be informed in writing by the Agency as to the funding determination of the application.

VI. Federal Award Administration Information

A. *Federal Award Notices.* The Agency will award and administer renewable energy system and energy efficiency improvements grants, guaranteed loans in accordance with 7 CFR 4280.122, and 7 CFR 4280.139, as applicable. The Agency will award and administer the energy audit and renewable energy development assistance grants in accordance with 7 CFR 4280.195. Notification requirements of 7 CFR 4280.111, apply to this Notice.

B. *Administrative and National Policy Requirements.*

(1) *Equal Opportunity and Nondiscrimination.* The Agency will ensure that equal opportunity and nondiscrimination requirements are met in accordance with the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* and 7 CFR part 15d, Nondiscrimination in Programs and Activities Conducted by the U.S. Department of Agriculture. The Agency will not discriminate against applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act, 15 U.S.C. 1601 *et seq.*

(2) *Civil Rights Compliance.* Recipients of grants must comply with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.,* Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.,* and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. This may include collection and maintenance of data on the race, sex, and national origin of the recipient's membership/ownership and employees. These data must be available to conduct compliance reviews in accordance with 7 CFR 1901.204.

(3) *Environmental Analysis.* Environmental procedures and requirements for this subpart are specified in 7 CFR part 1970. Prospective applicants are advised to contact the Agency to determine environmental requirements as soon as practicable after they decide to pursue any form of financial assistance directly or indirectly available through the Agency.

(4) *Appeals.* A person may seek a review of an Agency decision or appeal to the National Appeals Division in accordance with 7 CFR 4280.105.

(5) *Reporting.* Grants, guaranteed loans, combination guaranteed loans and grants, and energy audit and energy audit and renewable energy development assistance grants that are awarded are required to fulfill the reporting requirements as specified in Departmental Regulations, the Grant Agreement, and in 7 CFR part 4280 subpart B and paragraphs VI.B.(5)(a) through (d) of this Notice.

(a) Renewable energy system and energy efficiency improvements grants that are awarded are required to fulfill the reporting requirements as specified in 7 CFR 4280.123.

(b) Guaranteed loan applications that are awarded are required to fulfill the reporting requirements as specified in 7 CFR 4280.143.

(c) Combined guaranteed loan and grant applications that are awarded are required to fulfill the reporting requirements as specified in 7 CFR 4280.165(f).

(d) Energy audit and renewable energy development assistance grants grant applications that are awarded are required to fulfill the reporting requirements as specified in 7 CFR 4280.196.

VII. Federal Awarding Agency Contacts

For further information contact the applicable USDA Rural Development Energy Coordinator for your respective State, as identified via the following link: *http://www.rd.usda.gov/files/RBS_StateEnergyCoordinators.pdf.*

For information about this Notice, please contact Anthony Crooks, Rural Energy Policy Specialist, USDA Rural Development, Energy Division, 1400 Independence Avenue SW, Stop 3225, Room 6870, Washington, DC 20250. Telephone: (202) 205–9322. Email: *anthony.crooks@wdc.usda.gov.*

VIII. Other Information

A. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with renewable energy system and energy efficiency improvements grants and guaranteed loans, as covered in this Notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0067 The information collection requirements associated with energy audit and renewable energy development assistance grants have also been approved by OMB under OMB Control Number 0570–0067.

B. Nondiscrimination Statement

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

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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

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

(2) *Fax:* (202) 690–7442; or

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

USDA is an equal opportunity provider, employer, and lender.

Dated: August 8, 2018.

Bette B. Brand,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–17513 Filed 8–13–18; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Maryland Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of briefing meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a briefing meeting of the Maryland Advisory Committee to the Commission will convene at 9:00 a.m. (EDT) on Friday, August 24, 2018 in the First Floor Lecture Hall of the Martin D. Jenkins Behavorial & Social Sciences Building, 1700 E. Cold Spring Lane, Morgan State University, Baltimore, MD 21251. The purpose of the briefing is to hear from state and county officials, advocates, and others about the discipline, suspension, and expulsion rates for students of color and students with disabilities.

DATES: Friday, August 24, 2018 (EDT). *Time:* 9:00 a.m.

ADDRESSES: First Floor Lecture Hall of the Martin D. Jenkins Behavorial & Social Sciences Building, 1700 E. Cold Spring Lane, Morgan State University, Baltimore, MD 21251.

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

SUPPLEMENTARY INFORMATION: If other persons who plan to attend the meeting require other accommodations, please contact Evelyn Bohor at *ebohor@usccr.gov* at the Eastern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Time will be set aside at the end of the briefing so that members of the public may address the Committee after the formal presentations have been completed. Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by Monday, September 24, 2018. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, faxed to (202) 376–7548, or emailed to Evelyn Bohor at *ero@usccr.gov.* Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

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

Tentative Agenda

Friday, August 24, 2018 at 9:00 a.m.

I. Welcome and Introductions
II. Briefing
  Panel One: State and County Perspectives
  Panel Two: Advocates
  Panel Three: Students and Families
  Panel Four: Opportunities Going Forward
III. Open Session
IV. Adjournment

Dated: August 9, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–17401 Filed 8–13–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Colorado Advisory Committee to the Commission will by teleconference at 2:00 p.m. (MDT) on Friday, September 7, 2018. The purpose of the meeting is for project planning and potential vote on project proposal.

DATES: Friday, September 7, 2018, at 2:00 p.m. MDT.

Public Call-In Information: Conference call-in number: 1–888–395–3237 and conference call 1659256.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ebohor@usccr.gov* or by phone at 303–866–1040.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–395–3237 and conference call 1659256. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–888–395–3237 and conference call 1659256.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1040, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/meetings.aspx?cid=238;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone numbers, email or street address.

Agenda: Friday, September 7, 2018, 2:00 (MDT)

- Rollcall and Welcome
- Project Planning
- Potential Vote on Project Proposal
- Open Comment
- Adjourn

Dated: August 9, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–17400 Filed 8–13–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Quarterly Survey of Public Pensions

AGENCY: U.S. Census Bureau, 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: To ensure consideration, written comments must be submitted on or before October 15, 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 *docpra@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Phillip Vidal, Chief, Pension Statistics Branch, International Trade Management Division, U.S. Census Bureau, Headquarters: 5K069, Washington, DC 20233; telephone: 301.763.1749; email: *Phillip.m.vidal@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance for the form necessary to conduct the Quarterly Survey of Public Pensions. The quarterly survey was initiated by the Census Bureau in 1968 at the request of both the Council of Economic Advisers and the Federal Reserve Board.

The Quarterly Survey of Public Pensions currently provides national summary data on the revenues, expenditures, and composition of assets of the largest pension systems of state and local governments. The Census Bureau plans to cease collection of revenue and expenditure data on a quarterly basis and focus the collection on asset holdings of the largest pension systems. Revenue and Expenditure data will continue to be provided on an annual basis through the related Annual Survey of Public Pensions.

These data are used by the Federal Reserve Board to track the public sector portion of the Flow of Funds Accounts. Economists and public policy analysts use these data to assess general economic conditions and state and local government financial activities.

Data are collected from a panel of defined benefit plans of the 100 largest state and local government pension systems as determined by their total cash and security holdings reported in the 2012 Census of Governments. The defined benefit plans of these 100 largest pension systems comprise 87.2 percent of financial activity among such entities, based on the 2012 Census of Governments.

II. Method of Collection

Survey data are collected through the Census Bureau's web collection system that enables public entities to respond to the questionnaire via the internet. The questionnaire is available online for respondents to print when they choose to mail or fax. Most respondents choose to report their data online. In addition to reporting current quarter data, respondents may provide initial data for the previous seven quarters or submit revisions to their data submitted in the previous seven quarters.

III. Data

OMB Control Number: 0607–0143.

Form Number(s): F–10.

Type of Review: Regular submission.

Affected Public: State and locally-administered public pension plans.

Estimated Number of Respondents: 100.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 300.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. 161 and 182.

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.

Sheleen Dumas,

Department Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–17449 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–27–2018]

Foreign-Trade Zone (FTZ) 81—Portsmouth, New Hampshire; Authorization of Production Activity; Albany Safran Composites LLC; (Carbon Fiber Composite Aircraft Engine Parts); Rochester, New Hampshire

On April 6, 2018, Albany Safran Composites LLC (ASC), submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 81, in Rochester, New Hampshire. There is an application pending for FTZ designation at the ASC facility under FTZ 81 (FTZ Docket S–97–2018).

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 17644, April 23, 2018). On August 6, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 8, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–17415 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–24–2018]

Foreign-Trade Zone (FTZ) 293—Limon, Colorado; Authorization of Production Activity Laser Galicia America LLC (Bending and Assembly of Trafo Wall); Aurora, Colorado

On April 6, 2018, the Town of Limon, Colorado, grantee of FTZ 293, submitted a notification of proposed production activity to the FTZ Board on behalf of Laser Galicia America LLC, within FTZ 293, in Aurora, Colorado.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 17143, April 18, 2018). On August 6, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 8, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–17419 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–49–2018]

Foreign-Trade Zone (FTZ) 18—San Jose, California; Notification of Proposed Production Activity; Tesla, Inc. (Electric Passenger Vehicles and Components); Fremont and Palo Alto, California

Tesla, Inc. (Tesla) submitted a notification of proposed production activity to the FTZ Board for its facilities in Palo Alto and Fremont, California. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 1, 2018.

Tesla already has authority to produce electric vehicles and components of electric vehicles within Subzone 18G. The current request would add one foreign status material/component to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status material/component described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Tesla from customs duty payments on the foreign-status material/component used in export production. On its domestic sales, for the foreign-status material/component noted below, Tesla would be able to choose the duty rates during customs entry procedures that apply to electric passenger vehicles and related components (duty-free to 3.4%). Tesla would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material/component sourced from abroad is an automotive navigation apparatus (electronic control unit) (duty-free).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 24, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: August 8, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–17417 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–25–2018]

Foreign-Trade Zone (FTZ) 81—Portsmouth, New Hampshire; Authorization of Production Activity Textiles Coated International Inc. (Polytetrafluoroethylene Products) Manchester and Londonderry, New Hampshire

On April 10, 2018, Textiles Coated International Inc., submitted a notification of proposed production activity to the FTZ Board for its facilities within Site 4 of FTZ 81, in Manchester and Londonderry, New Hampshire.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 17790, April 24, 2018). On August 8, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and to a restriction that woven glass fiber mats and woven glass fiber fabrics (colored and not colored) be admitted to the zone in privileged foreign status (19 CFR 146.41).

Dated: August 8, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–17418 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–21–2018]

Foreign-Trade Zone (FTZ) 249—Pensacola, Florida; Authorization of Production Activity; GE Renewables North America, LLC (Wind Turbine Nacelles, Hubs, and Drivetrains); Pensacola, Florida

On April 9, 2018, GE Renewables North America, LLC, submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 249A, in Pensacola, Florida.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 17143–17144, April 18, 2018). On August 7, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14, and to a restriction that steel bars be admitted to the subzone in privileged foreign status (19 CFR 146.41).

Dated: August 8, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–17416 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–075, C–570–076]

Certain Plastic Decorative Ribbon From the People's Republic of China: Postponement of Final Determination of Sales at Less Than Fair Value

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

SUMMARY: The Department of Commerce (Commerce) is postponing the deadline for issuing the final determination in the less than fair value (LTFV) investigation of certain plastic decorative ribbon from the People's Republic of China (China) until December 21, 2018, and is

extending the provisional measures period from a four-month period to a period of not more than six months.

DATES: Applicable August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy Decker, Lauren Caserta, or Caitlin Monks, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0196, (202) 482–4737, or (202) 482–2670, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 23, 2018, Commerce initiated the LTFV investigation of imports of certain plastic decorative ribbon from China.[1] The period of investigation is April 1, 2017, through September 31, 2017. On August 8, 2018, Commerce published its *Preliminary Determination* in the LTFV investigation.[2]

Postponement of Final Determination

Section 735(a)(2) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(2) provide that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by the exporters or producers who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Further, 19 CFR 351.210(e)(2) requires that such postponement requests by exporters be accompanied by a request for extension of provisional measures from a four-month period to a period of not more than six months, in accordance with section 733(d) of the Act.

On July 19, 2018, Dongguan Mei Song Plastic Industry Co., Ltd. (Mei Song) and Ningbo Junlong Craft Gift Co., Ltd. (Junlong), two mandatory respondents that account for a ''significant portion'' of subject merchandise in the LTFV investigation, requested that Commerce fully extend the deadline for the final determination and extend the application of the provisional measures from a four-month period to a period of not more than six months.[3]

In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination was affirmative; (2) the request was made by exporters who account for a significant proportion of exports of the subject merchandise from the country at issue; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination of the investigation until no later than 135 days after the date of the publication of the relevant preliminary determination, and extending the provisional measures from a four-month period to a period of not more than six months. Accordingly, Commerce will issue its final determination in the LTFV investigation no later than December 21, 2018.[4]

This notice is issued and published pursuant to 19 CFR 351.210(g).

Dated: August 8, 2018.

James Maeder,

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

[FR Doc. 2018–17413 Filed 8–13–18; 8:45 am]

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[1] *See Certain Plastic Decorative Ribbon from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 83 FR 3126 (January 23, 2018) (Initiation Notice).

[2] *See Certain Plastic Decorative Ribbon From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value,* 83 FR 39058 (August 8, 2018) (Preliminary Determination).

[3] *See* Letter from Mei Song and Junlong, ''Certain Plastic Decorative Ribbon from the People's Republic of China—Request for Extension of Final Determination,'' dated July 19, 2018.

[4] The final determination of the accompanying countervailing duty (CVD) investigation has been previously aligned with the LTFV investigation. Thus, the deadline for issuing the final determination of the CVD investigation is also December 21, 2018. *See Certain Plastic Decorative Ribbon From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination,* 83 FR 29096 (June 22, 2018).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–565–801]

Stainless Steel Butt-Weld Pipe Fittings From the Philippines: Initiation of Antidumping Duty Changed Circumstances Review

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

SUMMARY: In response to a request from Core Pipe Products, Inc., Shaw Alloy Piping Products, Inc., and Taylor Forge Stainless, Inc. (the petitioners), the Department of Commerce (Commerce) is initiating a changed circumstances review of the antidumping duty order on stainless steel butt-weld pipe fittings (pipe fittings) from the Philippines.

DATES: Applicable August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Julie Geiger or Fred Baker, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2057 or (202) 482–2924, respectively.

SUPPLEMENTARY INFORMATION:

Background

As a result of the antidumping duty order[1] issued following the completion of the less-than-fair-value (LTFV) investigation of pipe fittings from the Philippines, imports of pipe fittings from respondent Enlin Steel Corporation (Enlin) became subject to a cash deposit rate of 33.81 percent.[2] The ''all others'' rate established in the LTFV investigation was 7.59 percent.[3]

On May 24, 2018, the petitioners requested that Commerce initiate a changed circumstances review of the *Order,* alleging that since imposition of the *Order,* Enlin has been evading the cash deposit rates established in the investigation by shipping its production through its affiliates Vinox Corporation (Vinox) (or Vinoc Corporation) and E N Corporation, which enter merchandise under the lower ''all others'' rate.[4] The petitioners also filed a supplement to their request on May 31, 2018, which provided further support for their allegation.[5] On June 26, 2018, Enlin, Vinox, and E N Corporation filed comments requesting that Commerce deny the petitioners' request.[6] The petitioners filed a rebuttal to these comments on June 26, 2018, requesting that Commerce disregard Enlin's opposition letter.[7] On July 5, 2018,

[1] *See Antidumping Duty Orders: Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines,* 66 FR 11257 (February 23, 2001) (the *Order*).

[2] *Id.; see also Stainless Steel Butt-Weld Pipe Fittings from the Philippines Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Remand,* 70 FR 30086 (May 25, 2005) (*Amended Order*).

[3] *See* the *Order* and *Amended Order.*

[4] *See* Petitioners' Letter, ''Stainless Steel Butt-Weld Pipe Fittings from the Philippines—Petitioners' Request for Initiation of Changed Circumstances Review A–565–801,'' dated May 24, 2018 (Petitioners' Request).

[5] *See* Petitioners' Letter, ''Stainless Steel Butt-Weld Pipe Fittings from the Philippines—Petitioners' Supplement to Changed Circumstances Review Request,'' dated May 31, 2018 (Petitioners' Supplement).

[6] *See* Enlin's Letter, dated June 26, 2018.

[7] *See* Petitioners' Letter, ''Antidumping Duty Order on Stainless Steel Butt-Weld Pipe Fittings

Continued

Commerce issued a 30-day extension for its decision on whether or not to initiate a changed circumstances review, citing the complexities of the request.[8]

Scope of the Order

The products covered by the order are certain stainless steel butt-weld pipe fittings that are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. For a full description of the scope of the order, *see* the Appendix to this notice.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), Commerce will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. In its request for initiation, the petitioners provided information indicating that since the issuance of the *Order,* there has been a change in the trading patterns and activities of Enlin, Vinox, and E N Corporation. The petitioners assert that the information provided demonstrates that the *Order* is being evaded. In accordance with 19 CFR 351.216(d), based on the information provided by the petitioners regarding new trading patterns and possible evasion of the *Order,* Commerce finds that changed circumstances sufficient to warrant the initiation of a changed circumstances review exist. Therefore, we are initiating a changed circumstances administrative review, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(b) and (d) to determine whether action is necessary to maintain the integrity of the *Order.* Commerce intends to publish in the **Federal Register** a notice of preliminary results of the antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth Commerce's preliminary factual and legal conclusions. Commerce will issue its final results of review in accordance with the time limits set forth in 19 CFR 351.216(e).

We are issuing this notice in accordance with sections 751(b)(1) and 777(i)(l) of the Act and 19 CFR 351.216.

Dated: August 6, 2018.

James Maeder

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

Appendix

Scope of the Order

The products covered by the order are certain stainless steel butt-weld pipe fittings. Certain stainless steel butt-weld pipe fittings are under 14 inches in outside diameter (based on nominal pipe size), whether finished or unfinished. The products encompass all grades of stainless steel and ''commodity'' and ''specialty'' fittings. Specifically excluded from the definition are threaded, grooved, and bolted fittings, and fittings made from any material other than stainless steel.

The fittings subject to the order are generally designated under specification ASTM A403/A403M, the standard specification for Wrought Austenitic Stainless Steel Piping Fittings, or its foreign equivalents (*e.g.,* DIN or JIS specifications). This specification covers two general classes of fittings, WP and CR, of wrought austenitic stainless steel fittings of seamless and welded construction covered by the latest revision of ANSI B16.9, ANSI B16.11, and ANSI B16.28. Pipe fittings manufactured to specification ASTM A774, or its foreign equivalents, are also covered by the order.

The order does not apply to cast fittings. Cast austenitic stainless steel pipe fittings are covered by specifications A351/A351M, A743/743M, and A744/A744M.

The stainless steel butt-weld pipe fittings subject to the order are currently classifiable under subheading 7307.23.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

[FR Doc. 2018–17411 Filed 8–13–18; 8:45 am]

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from the Philippines—Petitioners' Rebuttal to Respondents' Opposition to Changed Circumstances Review Request,'' dated June 26, 2018.

[8] *See* Commerce's Letter, ''Stainless Steel Butt-Weld Pipe Fittings from the Philippines: Extension of Time for Changed Circumstances Review Initiation Decision,'' dated July 5, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–825]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review; 2016

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

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the countervailing duty (CVD) order on heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from the Republic of Turkey (Turkey) for the period of review December 28, 2015, through April 25, 2016, and September 12, 2016, through December 31, 2016. Commerce preliminarily determines that countervailable subsidies are being provided to Ozdemir Boru Profil San. Ve Tic. Ltd. Sti. (Ozdemir), the sole producer/exporter of HWR pipes and tubes from Turkey subject to this review.

DATES: Applicable August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Janae Martin, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–0238, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2017, Commerce published a notice of initiation of an administrative review of the CVD order on HWR pipes and tubes from Turkey.[1] On June 1, 2018, Commerce extended the deadline for the preliminary results to August 6, 2018.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268 (November 13, 2017).

[2] *See* Memorandum, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,'' dated June 1, 2018; *see also* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results: Administrative Review of the Countervailing Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Turkey,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is HWR pipes and tubes. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Preliminary Results of Review

In accordance with 19 CFR 351.224(b)(4)(i), we calculated a countervailable subsidy rate for Ozdemir, the sole respondent in this review. We preliminarily determine that the following subsidy rate exists for Ozdemir for the period December 28, 2015, through April 25, 2016, and September 12, 2016, through December 31, 2016:

Company	Subsidy rate (percent)
Ozdemir Boru Profil San. Ve Tic. Ltd. Sti.	1.18

Assessment Rate

Consistent with section 751(a)(1) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

Cash Deposit Rate

Pursuant to section 751(a)(1) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated for Ozdemir with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[5] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[6] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[8] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined.[9] Issues addressed during the hearing will be limited to those raised in the briefs.[10] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: August 6, 2018.

James Maeder,

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

[5] *See* 19 CFR 224(b).

[6] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[7] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310.

[10] *See* 19 CFR 351.310(c).

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation Information
V. Benchmarks and Interest Rates
VI. Analysis of Programs
VII. Conclusion

[FR Doc. 2018–17380 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–985]

Xanthan Gum From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain exporters for which this review was requested did make sales of subject merchandise at prices below normal value (NV) during the period of review (POR) July 1, 2016, through June 30, 2017. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis or Eli Lovely, AD/CVD Operations, Office IV, Enforcement

and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3147 and (202) 482–1593, respectively.

SUPPLEMENTARY INFORMATION:

Background

This administrative review is being conducted in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). On July 3, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty (AD) order on xanthan gum from the People's Republic of China (China).[1] Commerce published the notice of initiation of this administrative review on September 13, 2017.[2] On January 23, 2018, Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[3] Commerce extended the preliminary results deadline until August 3, 2018.[4]

Scope of the Order

The product covered by the order includes dry xanthan gum, whether or not coated or blended with other products. Xanthan gum is included in this order regardless of physical form, including, but not limited to, solutions, slurries, dry powders of any particle size, or unground fiber.

Merchandise covered by the scope of the order is classified in the Harmonized Tariff Schedule of the United States at subheading 3913.90.20. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[5]

Preliminary Determination of No Shipments

On October 10, 2017 and October 13, 2017, Jianlong Biotechnology Co., Ltd. (Jianlong) (previously known as Inner Mongolia Jianlong Biochemical Co., Ltd. (IMJ)), and A.H.A. International Co., Ltd. (AHA), respectively, timely filed certifications that they had no exports, sales, or entries of subject merchandise during the POR. Based on an analysis of the U.S. Customs and Border Protection (CBP) information and Jianlong's, IMJ's, and AHA's no shipment certifications, Commerce preliminarily determines that Jianlong, IMJ, and AHA had no shipments, and, therefore, no reviewable transactions, during the POR.[6] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with our practice in non-market economy (NME) cases, Commerce is not rescinding this administrative review with respect to Jianlong, IMJ, or AHA for which it has preliminarily found no shipments during the POR, but intends to complete the review, and issue appropriate instructions to CBP based on the final results of the review.[7]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated, where applicable, export price and constructed export price for the mandatory respondents Neimenggu Fufeng Biotechnologies Co., Ltd. (a.k.a., Inner Mongolia Fufeng Biotechnologies Co., Ltd.), Xinjiang Fufeng Biotechnologies Co., Ltd., and Shandong Fufeng Fermentation Co., Ltd. (collectively Fufeng) and Meihua Group International Trading (Hong Kong) Limited, Langfang Meihua Biotechnology Co., Ltd., and Xinjiang Meihua Amino Acid Co., Ltd. (collectively Meihua) in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, we calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of topics included in the Preliminary Decision Memorandum is provided at the Appendix to this notice.

Preliminary Results of Review

Consistent with prior segments of this proceeding, we have continued to treat Fufeng as a single entity and Meihua as a single entity pursuant to 19 CFR 351.401(f)(1)–(2). For additional information, *see* the Preliminary Decision Memorandum.

Additionally, Commerce preliminary determines that the information placed on the record by Fufeng, Meihua, and the other companies listed in the rate table below demonstrates that these companies are entitled to separate rate status. However, we preliminarily determine that Hebei Xinhe Biochemical Co., Ltd. did not demonstrate their entitlement to separate rates status. Therefore, we are preliminarily treating Hebei Xinhe Biochemical Co., Ltd. as part of the China-wide entity. For additional information, *see* the Preliminary Decision Memorandum.

The statute and Commerce's regulations do not address what rate to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally,

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 82 FR 30833 (July 3, 2017).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 42974 (September 13, 2017).

[3] *See* Memorandum to James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Xanthan Gum from the People's Republic of China: Extension of Deadline for Preliminary Results of Administrative Review,'' dated March 14, 2018.

[4] *See* Memorandum to James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Xanthan Gum from the People's Republic of China: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated March 14, 2018.

[5] For a complete description of the Scope of the Order, *see* ''Decision Memorandum for the Preliminary Results in the Fourth Antidumping Duty Administrative Review of Xanthan Gum from the People's Republic of China,'' (Preliminary Decision Memorandum) from James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice.

[6] *See* Memorandum to The File, ''Antidumping Duty Administrative Review of Xanthan Gum from the People's Republic of China: Automated Commercial System Shipment Query,'' dated September 15, 2017; *see also* Memorandum to The File, ''Xanthan gum from China (A–570–985),'' dated June 14, 2018.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*NME AD Assessment*) and the ''Assessment Rates'' section, below.

Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually-examined respondents, excluding rates that are zero, *de minimis,* or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the all others rate. In this instant, we have assigned the rate calculated to Fufeng (*i.e.,* 1.18 percent) to all separate rate entities.

Commerce preliminarily determines that the following weighted-average dumping margins exist for the period July 1, 2016, through June 30, 2017:

Exporter	Weighted-average dumping margin (percent)
Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd.,/Xinjiang Meihua Amino Acid Co., Ltd	0.00
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd	1.18
CP Kelco (Shandong) Biological Company Limited	1.18
Deosen Biochemical Ltd./Deosen Biochemical (Ordos) Ltd	1.18
Shanghai Smart Chemicals Co., Ltd	1.18

Disclosure and Public Comment

Commerce intends to disclose the calculations performed for these preliminary results of review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the publication of these preliminary results of review, unless the Secretary alters the time limit.[8] Rebuttal briefs, limited to responding to issues raised in case briefs, may be submitted no later than five days after the deadline for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this review are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of our analysis of the issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[10] Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of the final results of this review. We will calculate importer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales with a particular importer to the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[11] Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[12] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents that were not selected for individual examination in this administrative review but which qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margin assigned to the respondents in the final results of this review.[13]

For entries that were not reported in the U.S. sales databases submitted by the companies individually examined during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate. In addition, if we continue to find that Jianlong, IMJ, and AHA had no shipments of subject merchandise during the POR, any suspended entries of subject merchandise from either Jianlong, IMJ, or AHA will be liquidated at the China-wide rate.[14]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of xanthan gum from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final

[8] *See* 19 CFR 351.309(c).

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* 19 CFR 351.212(b)(1).

[11] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[12] *See* 19 CFR 351.106(c)(2).

[13] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015,* 81 FR 29528 (May 12, 2016) and accompanying Decision Memorandum at 10–11; unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014–2015,* 81 FR 54042 (August 15, 2016).

[14] For a full discussion of this practice, *see NME AD Assessment.*

results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of this review (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed China and non-China exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, which is 154.07 percent; and (4) for all non-China exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213.

Dated: August 3, 2018.

James Maeder,

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

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

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[FR Doc. 2018–17412 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Availability and Application of Socioeconomic Data in Resource Management in the U.S. Pacific Islands

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 15, 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 Supin Wongbusarakum, Ecosystem Sciences Division, Pacific Islands Fisheries Science Center, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, (808) 725 5487, *supin.wongbusarakum@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new collection of information. The objective of the study is to understand the types of available socioeconomic data, types of data used and data gaps identified, regarding coastal conservation management, fisheries and other marine conservation management, and efforts (including opportunities and barriers) in integrating biophysical and socioeconomic data. The voluntary survey and interviews will assess the degree to which the available socioeconomic data are being used and have met the needs of the different natural resource management and conservation programs in the U.S. jurisdictions and affiliations in the Pacific island region. Results of the survey and interviews are expected to assist in guiding any future modifications of socioeconomic and biophysical indicators, data collecting tools, approaches, and communications of results.

II. Method of Collection

The survey will be conducted using two modes, internet based surveys, surveys and in-person interviews.

III. Data

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals, Not-for-profit institution staff; State, local, and federal government agency officers.

Estimated Number of Respondents: 80.

Estimated Time per Response: 30 minutes for survey and 1 hour per interview.

Estimated Total Annual Burden Hours: 50 hours.

Estimated Total Annual Cost to Public: $0 in record keeping/reporting.

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: August 9, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–17410 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–JS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Transshipment Requirements Under the Western and Central Pacific Fisheries Commission (WCPFC)

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 15, 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 Rini Ghosh, Pacific Islands Regional Office, (808) 725–5033 or *rini.ghosh@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection. National Marine Fisheries Service (NMFS) has issued regulations under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFCIA; 16 U.S.C. 6901 *et seq.*) to carry out the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention). The regulations include requirements for the owners and operators of U.S. vessels to: (1) Complete and submit a Pacific Transshipment Declaration form for each transshipment of highly migratory species in the area of application of the Convention (Convention Area) and each transshipment of highly migratory species caught in the Convention Area; (2) submit a notice containing specific information at least 36 hours prior to each transshipment on the high seas in the Convention Area or within 12 hours of an emergency transshipment that would otherwise be prohibited; (3) provide notice to NMFS at least 72 hours before leaving port of the need for an observer, in the event that a vessel anticipates a transshipment where an observer is required; (4) complete and submit a U.S. Purse Seine Discard form within 48 hours after any discard; and (5) submit certain information regarding purse seine fishing activities. The information collected from these requirements is used by NOAA and the WCPFC to help ensure compliance with domestic laws and the Commission's conservation and management measures, and are necessary in order for the United States to satisfy its obligations under the Convention.

II. Method of Collection

Respondents must submit some of the information by mail or in person via paper forms, and must submit other information electronically by fax or email.

III. Data

OMB Control Number: 0648–0649.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 214.

Estimated Time per Response: Transshipment Report: 60 minutes; Notice for Transshipment: 15 minutes; Pre-trip Notification for Observer Placement: 1 minute; Purse Seine Discard Report: 30 minutes; Purse Seine Fishing Activity Information: 10 minutes.

Estimated Total Annual Burden Hours: 2,499.

Estimated Total Annual Cost to Public: $12,369.

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: August 9, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–17399 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; High Seas Fishing Permit Application Information

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 15, 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 Kent LaBorde, 301–427–8364 or *Kent.laborde@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

United States (U.S.) vessels that fish on the high seas (waters beyond the U.S. exclusive economic zone) are required to possess a permit issued under the High Seas Fishing Compliance Act. Applicants for this permit must submit information to identify their vessels, owners and operators of the vessels, and intended fishing areas. The application information is used to process permits and to maintain a register of vessels authorized to fish on the high seas.

The HSFCA also requires vessels be marked for identification and enforcement purposes. Vessels must be marked in three locations (port and starboard sides of the deckhouse or hull, and on a weatherdeck) with their official number or radio call sign.

These requirements apply to all vessels fishing on the high seas.

II. Method of Collection

Owners or operators of high seas fishing vessels must submit paper permit application forms and paper logbook pages to NMFS. No information is submitted for the vessel marking requirement. The markings are only displayed on the vessel.

III. Data

OMB Number: 0648–0304.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Response: 30 minutes per application form; for logbook reports, 6 minutes per day for days fish are caught, 1 minute per day for days when fish are not caught; 45 minutes (15 minutes for each of 3 locations) for vessel markings.

Estimated Total Annual Burden Hours: 539.

Estimated Total Annual Cost to Public: $183,876.

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: August 9, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–17398 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG030

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Office of Naval Research Arctic Research Activities

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

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the U.S. Navy's Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities in the Beaufort and Chukchi Seas. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision. ONR's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA).

DATES: Comments and information must be received no later than September 13, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Fowler@noaa.gov*.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Amy Fowler, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities*. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. 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 incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other means of effecting the least practicable [adverse] impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The activity for which incidental take of marine mammals is being requested addressed here qualifies as a military readiness activity. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

The proposed action constitutes a military readiness activity because these proposed scientific research activities directly support the adequate and realistic testing of military equipment, vehicles, weapons, and sensors for proper operation and suitability for combat use by providing critical data on the changing natural and physical environment in which such materiel will be assessed and deployed. This proposed scientific research also directly supports fleet training and operations by providing up to date information and data on the natural and physical environment essential to training and operations.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

NMFS plans to adopt the Navy's Environmental Assessment/Overseas Environmental Assessment (EA/OEA), provided our independent evaluation of the document finds that it includes adequate information analyzing the effects on the human environment of issuing the IHA. The Navy's OEA is available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.*

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On April 6, 2018, NMFS received a request from ONR for an IHA to take marine mammals incidental to Arctic Research Activities in the Beaufort and Chukchi Seas. ONR's application was determined adequate and complete on May 1, 2018. ONR's request is for take of beluga whales (*Delphinapterus leucas*), bearded seals (*Erignathus barbatus*), and ringed seals (*Pusa hispida hispida*) by Level B harassment only. Neither ONR nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

This proposed IHA would cover one year of a larger project for which ONR intends to request take authorization for subsequent facets of the project. This IHA would be valid from September 15, 2018 through September 14, 2019. The larger three-year project involves several scientific objectives which support the Arctic and Global Prediction Program, as well as the Ocean Acoustics Program and the Naval Research Laboratory, for which ONR is the parent command.

Description of Proposed Activity

Overview

ONR's Arctic Research Activities include scientific experiments to be conducted in support of the Arctic and Global Prediction Program, the Ocean Acoustics Program, and the Naval Research Laboratory, for which ONR is the parent command. Specifically, the project includes the Stratified Ocean Dynamics of the Arctic (SODA), Arctic Mobile Observing System (AMOS), Ocean Acoustics field work, and Naval Research Laboratory (NRL) experiments in the Beaufort and Chukchi Seas. These experiments involve deployment of moored and ice-tethered active acoustic sources as well as towed acoustic sources from the U.S. Coast Guard Cutter (CGC) HEALY and the Research Vessel (R/V) Sikuliaq. CGC HEALY may also be required to perform icebreaking to deploy the moored and ice-tethered sources in deep water. Increased underwater sound from the acoustic sources and icebreaking may result in behavioral harassment of marine mammals.

Dates and Duration

ONR's Arctic Research Activities are proposed to begin in August 2018, but these activities include use of autonomous gliders that do not have the potential to result in take of marine mammals. Activities with the potential to result in take of marine mammals (*i.e.,* use of acoustic sources and icebreaking) would begin in September 2018. A maximum of four research cruises (one cruise per vessel in each calendar year) of up to 30 days are proposed. Each vessel may tow sources for up to 8 hours per day for 15 days during each cruise in open water or marginal ice. Once deployed, moored and drifting sources would operate intermittently each day for up to three years. Icebreaking may occur on up to 4 days. This IHA would authorize take for the first year of the proposed project.

Specific Geographic Region

The proposed actions would occur in either the U.S. Exclusive Economic Zone (EEZ) or the high seas north of Alaska (see Figure 1–1 in the IHA application). The study area consists of a deep water area and a shallow water area on the continental shelf. The total area of the study area is 257,723 square mi (667,500 square kilometers (km^2)). All activities, except for the transit of ships, would take place outside U.S. territorial waters. The closest active acoustic source (aside from *de minimis* sources described below) within the study area is approximately 141 miles (mi; 227 kilometers (km)) from land.

Detailed Description of Specific Activity

The ONR Arctic and Global Prediction Program supports two major projects (SODA and AMOS). Of those, only the SODA project will occur during the time period covered by this IHA. The SODA project would begin field work in August 2018 with research cruises and the deployment of autonomous measurement devices for year-round observation of water properties (temperature and salinity) and the associated stratification and circulation. These physical processes are related to the ice cover and as the properties of the ice cover change, the water properties will change as well.

Warm water feeding into the Arctic Ocean also plays an important role in changing the environment. Observations of these phenomena require geographical sampling of areas of varying ice cover and temperature profile, and year-round temporal sampling to understand what happens during different parts of the year. Autonomous systems are needed for this type of year-round observation of a representative sample of active waters. Geolocation of autonomous platforms requires the use of acoustic navigation signals, and therefore, year-long use of active acoustic signals. The deployment of navigational sources (shown by the 12 red dots in Figure 1–1 of the IHA application) would occur in the deep water area of the study area off of the continental shelf.

The ONR Ocean Acoustics Program also supports Arctic field work. The emphasis of the Ocean Acoustics Program field efforts is to understand how the changing environment affects acoustic propagation and the noise environment. These experiments are also spatially and temporally dependent, so observations in different locations on a year-round basis would be required. The potential for understanding the large-scale (range and depth) temperature structure of the ocean requires the use of long-range acoustic transmissions. The use of specialized waveforms and acoustic arrays allows signals to be received over 100 km from a source, while only requiring moderate source levels. The Ocean Acoustics Program may perform these experiments in conjunction with the Arctic and Global Prediction Program by operating in the same location and with the same research vessels.

NRL would also conduct Arctic research in the same timeframe with the same general scientific purpose as the Arctic and Global Prediction and Ocean Acoustics Programs. NRL's field work would begin in March 2019 at the earliest. NRL's field work would include measurements of ice with aircraft and the deployment of sources using helicopters. Up to 10 ice-tethered acoustic buoys are expected to be deployed for real-time environmental sensing and mid-frequency sonar performance predictions. Real-time assimilation of acoustic data into an ocean model is also planned. The ice-tethered acoustic buoys are designed to be operational for up to two years. In addition, the NRL Acoustics Division has sources designed for long-range transmissions in the Arctic and can perform acoustic experiments in conjunction with other ongoing experiments.

Below are descriptions of the equipment and platforms that would be deployed at different times during the proposed action.

Research Vessels

CGC HEALY and/or the R/V Sikuliaq would be the two primary vessels to perform research cruises as part of the proposed action. Research cruises are proposed for 2018 and 2019 calendar years. The R/V Sikuliaq has a maximum speed of 12 knots (University of Alaska Fairbanks 2014) and a nominal tow speed of 4 knots (Naval Sea Systems Command 2015). CGC HEALY has a maximum speed of 17 knots and a cruising speed of 12 knots (U.S. Coast Guard 2013) but a maximum speed of 3 knots when traveling through 3.5 feet (ft; 1.07 meters (m)) of ice (Murphy 2010). CGC HEALY may be required to perform icebreaking to deploy the moored and ice-tethered acoustic sources in deep water. Icebreaking would only occur during the warm season, presumably in the August through October timeframe. CGC HEALY is capable of breaking ice up to 8 ft (2.4 m) thick while backing and ramming (Roth *et al.,* 2013). A study in the western Arctic Ocean was conducted while CGC HEALY was mapping the seafloor north of the Chukchi Cap in August 2008. During this study, CGC HEALY icebreaker events generated signals with center frequencies near 10, 50, and 100 Hertz (Hz) with maximum source levels of 190 to 200 decibels (dB) re 1 microPascal (μPa) at 1 m (Roth *et al.,* 2013). Icebreaking would only occur in the deep water portion of the study area while deploying moored and ice-tethered sources..

The R/V Sikuliaq and CGC HEALY may perform the activities listed below during their research cruises (some of these activities may result in take of marine mammals, while others may not, as described further below):

- Towing of active acoustic sources (see below);
- Deployment of moored and/or ice-tethered passive sensors (*e.g.,* oceanographic measurement devices, acoustic receivers);
- Deployment of moored and/or ice-tethered active acoustic sources to transmit acoustic signals for up to three years after deployment. Transmissions could be terminated during ice-free periods (August to October) each year if needed;
- Deployment of unmanned surface, underwater, and air vehicles; and
- Recovery of equipment.

Additional oceanographic measurements would be made using ship-based systems, including the following:

- Modular Microstructure Profiler, a tethered profiler that would measure oceanographic parameters within the top 984 ft (300 m) of the water column;
- Shallow Water Integrated Mapping System, a winched towed body with a Conductivity Temperature Depth sensor, upward and downward looking Acoustic Doppler Current Profilers (ADCPs), and a temperature sensor within the top 328 ft (100 m) of the water column;
- Three-dimensional Sonic Anemometer, which would measure wind stress from the foremast of the ship;
- Surface Wave Instrument Float with Tracking (SWIFTs) buoys are freely drifting buoys measuring winds, waves, and other parameters with deployments spanning from hours to days; and
- A single mooring would be deployed to perform measurements of currents with an ADCP.

Towed Active Acoustic Sources

CGC HEALY and/or R/V Sikuliaq may tow active acoustic sources in transit to deploying moored or ice-tethered acoustic sources. Each vessel may tow sources for up to 15 days in the deep area during each cruise only in open water or marginal ice. Towing cannot be conducted while icebreaking. Navy acoustic sources are categorized into ''bins'' based on frequency, source level, and mode of usage (Department of the Navy 2013a). The towed sources associated with the proposed action fall within bins LF4, LF5, and MF9 (Table 1). LF4 sources are characterized as low-frequency sources (signals less than 1 kHz) with source levels equal to 180 dB up to 200 dB. LF5 sources are low-frequency sources with source levels below 180 dB. MF9 sources are mid-frequency sources (tactical and non-tactical sources with signals between 1 and 10 kHz) with source levels equal to 180 dB up to 200 dB.

TABLE 1—SOURCE CHARACTERISTICS OF MODELED ACOUSTIC SOURCES FOR THE PROPOSED ACTION

Source name	Number deployed	Frequency range (Hz)	Sound pressure level (dB re 1 μPa at 1 m)	Pulse length (milli-seconds)	Duty cycle (percent)	Source type	Usage
LF4 towed source	N/A	100 to 1,000	200	10,000	50	Towed	4 hours per day for 15 days.
LF5 towed source	N/A	100 to 1,000	180	10,000	50	Towed	4 hours per day for 15 days.
MF9 towed source	N/A	1,000 to 10,000	200	10,000	50	Towed	8 hours per day for 15 days.
Spiral Wave Source	Up to 3	2,500	183	50	<1	Moored	24 hours per day for 7 days.
Navigation and real-time sensing sources.	Up to 15	700	185	60,000	<1	Moored or Drifting	1 minute every 4 hours, up to 3 years.[1]
Tomography sources	Up to 6	250	185	135,000	<1	Moored	2.25 minutes every 4 hours, up to 3 years.[1]

[1] For the purposes of this proposed IHA, the deployment period would be for one year, which may be continued under subsequent IHAs.

Moored and Drifting Acoustic Sources

Moored and drifting acoustic sources would be deployed from either CGC HEALY or the R/V Sikuliaq in the deep water area. Each vessel may deploy up to three moored spiral wave sources that would operate for up to seven days per year (Table 1). The spiral wave sources would be separated by distances similar to the deep water source locations in Figure 1–1 of the IHA application (approximately 35 mi (56 km)). The two vessels (combined) would deploy a maximum of 15 acoustic navigation sources (moored and/or drifting) in the deep water area during September 2018 at the deep water source locations shown in Figure 1–1 of the IHA application. Source transmits would be offset by 15 minutes from each other (*i.e.,* sources would not be transmitting at the same time). During the initial cruise it is unlikely that all 15 sources would be deployed. Subsequent cruises would continue to deploy the navigation sources until the maximum number of 15 sources is reached. The navigation sources would also be used for rapid environmental characterization in addition to the SODA project.

CGC HEALY and R/V Sikuliaq (combined) would deploy a maximum of six moored tomography sources in the deep water area during September 2018 at the six SODA source locations closest to the coast (see Figure 1–1 of the IHA application). Source transmits would be offset by six minutes from each other (*i.e.,* sources would not be transmitting at the same time). When the acoustic navigation sources and tomography sources are both transmitting they would be offset from each other by at least three minutes.

All moorings would be anchored on the seabed and held in the water column with subsurface buoys. All sources would be deployed by shipboard winches, which would lower sources and receivers in a controlled manner. Anchors would be steel ''wagon wheels'' typically used for this type of deployment. All moored and drifting sources would be recovered.

Activities Not Likely To Result in Take

The following in-water activities have been determined to be unlikely to result in take of marine mammals. These activities are described here but their effects are not described further in this document.

Glider Surveys—The proposed action would begin in August 2018 with the deployment of gliders from a small vessel outside U.S. territorial waters. All gliders would be recovered during the cruises of the CGC HEALY and/or R/V Sikuliaq. Although the Navy is not requesting an IHA for these activities as they involve only passive oceanographic measurements with slow-moving gliders that do not have the potential to result in take of marine mammals, they are mentioned here because they are the start of ONR's research activities in the Arctic.

De minimis Sources—De minimis sources have the following parameters: Low source levels, narrow beams, downward directed transmission, short pulse lengths, frequencies outside known marine mammal hearing ranges, or some combination of these factors (Department of the Navy 2013b). For further detail regarding the de minimis sources planned for use by the Navy, which are not quantitatively analyzed, please see the Navy's application. Descriptions of example sources are provided below and in Table 2.

TABLE 2—PARAMETERS FOR DE MINIMIS SOURCES

Source name	Frequency range (kHz)	Sound pressure level (dB re 1 μPa at 1 m)	Pulse length (milli-seconds)	Duty cycle (percent)	Beamwidth (degree)	De minimis justification
PIES	12	170–180	6	<0.01	45	Extremely low duty cycle, low source level, very short pulse length.
ADCP	>200, 150, or 75	190	<1	<0.1	2.2	Very short pulse length, narrow beamwidth, moderate source level.
Chirp sonar	2–16	200	20	<1	Narrow	Very short pulse length, low duty cycle, narrow beamwidth.
EMATT	700–1100 Hz and 1100–4000 Hz	<150	N/A	25–100	Omni	Low source level.
Coring system	25–200	158–162	<1	16	Omni	Low source level.[1]
Conductivity Temperature Depth attached Echosounder.	5–20	160	4	2	Omni	Low source level.

[1] Within sediment, not within the water column.

Drifting Oceanographic Sensors—Observations of ocean-ice interactions require the use of sensors which are moored and embedded in the ice. Sensors are deployed within a few dozen meters of each other on the same ice floe. Their initial locations are depicted as the yellow arrow symbols in Figure 1–1 of the IHA application. Three types of sensors would be used: Autonomous Ocean Flux Buoys, Integrated Autonomous Drifters, and Ice Tethered Profilers. The autonomous ocean flux buoys measure oceanographic properties just below the ocean-ice interface. The autonomous ocean flux buoys would have ADCPs and temperature chains attached, to measure temperature, salinity, and other ocean parameters in the top 20 ft (6 m) of the water column. Integrated Autonomous Drifters would have a long temperature string extending down to 656 ft (200 m) depth and would incorporate meteorological sensors, and a temperature string to estimate ice thickness. The Ice Tethered Profilers would collect information on ocean temperature, salinity, and velocity down to 820 ft (250 m) depth.

Fifteen autonomous floats (Air-Launched Autonomous Micro Observers) would be deployed during the proposed action to measure seasonal evolution of the ocean temperature and salinity, as well as currents. They would be deployed on the eastern edge of the Chukchi Sea in water less than 3,280 ft (1,000 m) deep. Three autonomous floats would act as virtual moorings by originating on the seafloor, then moving up the water column to the surface and returning to the seafloor. The other 12 autonomous floats would sit on the sea floor and at intervals begin to move toward the surface. At programmed intervals, a subset of the floats would release anchors and begin their profiling mission. Up to 15 additional floats may be deployed by ships of opportunity in the Beaufort Gyre. The general locations for the autonomous floats are depicted by the blue squares in Figure 1–1 of the IHA application.

The drifting oceanographic sensors described above use only *de minimis* sources and are therefore not anticipated to have the potential for impacts on marine mammals or their habitat.

Moored Oceanographic Sensors—Moored sensors would capture a range of ice, ocean, and atmospheric conditions on a year-round basis. The location of the bottom-anchored sub-surface moorings are depicted by the purple stars in Figure 1–1 of the IHA application. These would be bottom-anchored, sub-surface moorings measuring velocity, temperature, and salinity in the upper 1,640 ft (500 m) of the water column. The moorings also collect high-resolution acoustic measurements of the ice using the ice profilers described above. Ice velocity and surface waves would be measured by 500 kHz multibeam sonars.

Additionally, Beaufort Gyre Exploration Project moorings BGOS–A and BGOS–B (depicted by the black plus signs in Figure 1–1 of the IHA application) would be augmented with McLane Moored Profilers. BGOS–A and BGOS–B would provide measurements near the Northwind Ridge, with considerable latitudinal distribution. Existing deployments of Nortek Acoustic Wave and Current Profilers on BGOS–A and BGOS–B would also be continued as part of the proposed action.

The moored oceanographic sensors described above use only *de minimis* sources and are therefore not anticipated to have the potential for impacts on marine mammals or their habitat.

Fixed and Towed Receiving Arrays—Horizontal and vertical arrays may be used to receive acoustic signals. The Distributed Vertical Line Array is a long line acoustic receiver that would be deployed within the SODA sensor locations. The Distributed Vertical Line Array would be moored to the seafloor by a 1,940 pound (lb) (880 kilograms (kg)) anchor. An array (horizontal and vertical) may also be placed on the seabed in the shallow water area over the continental shelf. Other receiving arrays are the Single Hydrophone Recording Units and Autonomous Multichannel Acoustic Recorder. All these arrays would be moored to the seafloor and remain in place throughout the activity. CGC HEALY and R/V Sikuliaq may also tow arrays of acoustic receivers. These are passive acoustic sensors and therefore are not anticipated to have the potential for impacts on marine mammals or their habitat.

Activities Involving Aircraft and Unmanned Air Vehicles—Naval Research Laboratory would be conducting flights to characterize the ice structure and character, ice edge and wave heights across the open water and marginal ice zone to the ice. Up to 4 flights, lasting approximately 3 hours in duration would be conducted over a 10 day period during February or March for ice structure and character measurements and during late summer/early fall for ice edge and wave height studies. Flights would be conducted with a Twin Otter aircraft over the seafloor mounted acoustic sources and receivers. Most flights would transit at 1,500 ft or 10,000 ft (457 or 3,048 m) above sea level. Twin Otters have a typical survey speed of 90 to 110 knots, 66 ft (20 m) wing span, and a total length of 26 ft (8 m) (U.S. Department of Commerce and NOAA 2015). At a distance of 2,152 ft (656 m) away, the received pressure levels of a Twin Otter range from 80 to 98.5 A-weighted dB (expression of the relative loudness in the air as perceived by the human ear) and frequency levels ranging from 20 Hz to 10 kHz, though they are more typically in the 500 Hz range (Metzger 1995). The objective of the flights is to characterize thickness and physical properties of the ice mass overlying the experiment area.

Rotary wing aircraft may also be used during the activity. Helicopter transit would be no longer than two hours to and from the ice location. A twin engine helicopter may be used to transit scientists from land to an offshore floating ice location. Once on the floating ice, the team would drill holes with up to a 10 inch (in; 25.4 centimeter (cm)) diameter to deploy scientific equipment (*e.g.,* source, hydrophone array, EMATT) into the water column. The science team would depart the area and return to land after three hours of data collection and leave the equipment behind for a later recovery.

The proposed action includes the use of an Unmanned Aerial System (UAS). The UAS would be deployed ahead of the ship to ensure a clear passage for the vessel and would have a maximum flight time of 20 minutes. The UAS would not be used for marine mammal observations or hover close to the ice near marine mammals. The UAS that would be used during the proposed action is a small commercially available system that generates low sound levels and is smaller than military grade systems. The dimensions of the proposed UAS are, 11.4 in (29 cm) by 11.4 in (29 cm) by 7.1 in (18 cm) and weighs 2.5 lb (1.13 kg). The UAS can operate up to 984 ft (300 m) away, which would keep the device in close proximity to the ship. The planned operation of the UAS is to fly it vertically above the ship to examine the ice conditions in the path of the ship and around the area (*i.e.,* not flown at low altitudes around the vessel). Currently acoustic parameters are not available for the proposed models of UASs to be used. As stated previously, these systems are small and are similar to a remote control helicopter. It is likely marine mammals would not hear the device since the noise generated would likely not be audible from greater than 5 ft (1.5 m) away (Christiansen *et al.,* 2016).

All aircraft (manned and unmanned) would be required to maintain a minimum separation distance of 1,000 ft (305 m) from any pinnipeds hauled out on the ice. Therefore, no take of marine mammals is anticipated from these activities.

On-Ice Measurement Systems—On-ice measurement systems would be used to collect weather data. These would include an Autonomous Weather Station and an Ice Mass Balance Buoy. The Autonomous Weather Station would be deployed on a tripod; the tripod has insulated foot platforms that are frozen into the ice. The system would consist of an anemometer, humidity sensor, and pressure sensor. The Autonomous Weather Station also includes an altimeter that is *de minimis* due to its very high frequency (200 kHz). The Ice Mass Balance Buoy is a 20 ft (6 m) sensor string, which is deployed through a 2 in (5 cm) hole drilled into the ice. The string is weighted by a 2.2 lb (1 kg) lead weight, and is supported by a tripod. The buoy contains a *de minimis* 200 kHz altimeter and snow depth sensor. Autonomous Weather Stations and Ice Mass Balance Buoys will be deployed in fall 2018, and will drift with the ice, making measurements, until their host ice floes melt, thus destroying the instruments (likely in summer, roughly one year after deployment). After the on-ice instruments are destroyed they cannot be recovered, and would sink to the seafloor as their host ice floes melted.

All personnel conducting experiments on the ice would be required to maintain a minimum separation distance of 1,000 ft (305 m) from any pinnipeds hauled out on the ice. Therefore, no take of marine mammals is anticipated from these activities.

Bottom Interaction Systems—Coring of bottom sediment could occur anywhere within the study area to obtain a more complete understanding of the Arctic environment. Coring equipment would take up to 50 samples of the ocean bottom in the study area annually. The samples would be roughly cylindrical, with a 3.1 in (8 cm) diameter cross-sectional area; the corings would be between 10 and 20 ft (3 and 6 m) long. Coring would only occur while the research vessel or the CGC HEALY are deployed, during the summer or early fall. The coring equipment moves very slowly through the muddy bottom, at a speed of approximately 1 m per hour, and would not create any detectable acoustic signal within the water column, though very low levels of acoustic transmissions may be created in the mud (Table 2). The source levels of the coring equipment are so low that take of marine mammals as a result of acoustic exposure is not considered a potential outcome of the activity.

Weather Balloons—To support weather observations, up to 40 Kevlar or latex balloons would be launched per year for the duration of the proposed action. These balloons and associated radiosondes (a sensor package that is suspended below the balloon) are similar to those that have been deployed by the National Weather Service since the late 1930s. When released, the balloon is approximately 5 to 6 ft (1.5–1.8 m) in diameter and gradually expands as it rises due to the decrease in air pressure. When the balloon reaches a diameter of 13–22 ft (4–7 m), it bursts and a parachute is deployed to slow the descent of the associated radiosonde. Weather balloons would not be recovered.

The deployment of weather balloons does not include the use of active acoustics and is therefore not anticipated to have the potential for impacts on marine mammals or their habitat.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see ''Proposed Mitigation'' and ''Proposed Monitoring and Reporting'').

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*https://www.fisheries.noaa.gov/find-species*).

Table 3 lists all species with expected potential for occurrence in the study area and summarizes information related to the population or stock, including regulatory status under the MMPA and the Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2017). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. 2017 SARs (*e.g.,* Muto *et al.,* 2018, Carretta *et al.,* 2018). All values presented in Table 3 are the most recent available at the time of publication and are available in the 2017 SARs (Muto *et al.,* 2018; Carretta *et al.,* 2018).

TABLE 3—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	*Eschrichtius robustus*	Eastern North Pacific	-/- ; N	20,900 (0.05, 20,125, 2011)	624	4.25
Family Balaenidae:						
Bowhead whale	*Balaena mysticetus*	Western Arctic	E/D ; Y	16,820 (0.052, 16,100, 2011)	161	43

TABLE 3—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN THE PROJECT AREA—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Beluga whale	*Delphinapterus leucas*	Beaufort Sea	-/- ; N	39,258 (0.229, N/A, 1992)	Undet.[4]	139
Beluga whale	*Delphinapterus leucas*	Eastern Chukchi Sea	-/- ; N	20,752 (0.70, 12.194, 2012)	244	67
Order Carnivora—Superfamily Pinnipedia						
Family Phocidae (earless seals):						
Bearded seal [5]	*Erignathus barbatus*	Alaska	T/D ; Y	299,174 (-, 273,676, 2013)	8,210	391
Ribbon seal	*Histriophoca fasciata*	Alaska	-/- ; N	184,000 (-, 163,086, 2013)	9,785	3.8
Ringed seal [5]	*Pusa hispida hispida*	Alaska	T/D ; Y	170,000 (-, 170,000, 2013)	5,100	1,054
Spotted seal	*Phoca largha*	Alaska	-/- ; N	461,625 (-, 423,237, 2013)	12,697	329

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region/.* CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] The 2016 guidelines for preparing SARs state that abundance estimates older than 8 years should not be used to calculate PBR due to a decline in the reliability of an aged estimate. Therefore, the PBR for this stock is considered undetermined.

[5] Abundances and associated values for bearded and ringed seals are for the U.S. population in the Bering Sea only.

Note: *Italicized species are not expected to be taken or proposed for authorization.*

All species that could potentially occur in the proposed survey areas are included in Table 3. Activities conducted during the proposed action are expected to cause harassment, as defined by the MMPA as it applies to military readiness, to the beluga whale (of the Beaufort and Eastern Chukchi Sea stocks), bearded seal, and ringed seal. Due to the location of the study area (*i.e.,* northern offshore, deep water), there were no calculated exposures for the bowhead whale, gray whale, spotted seal, and ribbon seal from quantitative modeling of non-impulsive acoustic and icebreaking sources. Bowhead and gray whales remain closely associated with the shallow waters of the continental shelf in the Beaufort Sea and are unlikely to be exposed to acoustic harassment (Carretta *et al.,* 2017; Muto *et al.,* 2018). Similarly, spotted seals tend to prefer pack ice areas with water depths less than 200 m during the spring and move to coastal habitats in the summer and fall, found as far north as 69–72° N (Muto *et al.,* 2018). Although the study area includes waters south of 72° N, the acoustic sources with the potential to result in take of marine mammals are not found below that latitude and spotted seals are not expected to be exposed. Ribbon seals are found year-round in the Bering Sea but may seasonally range into the Chukchi Sea (Muto *et al.,* 2018). The proposed action occurs primarily in the Beaufort Sea, outside of the core range of ribbon seals, thus ribbon seals are not expected to be behaviorally harassed. Narwhals are considered extralimital in the project area and are not expected to be encountered or taken. As no harassment is expected of bowhead whales, gray whales, spotted seals, and ribbon seals, these species will not be discussed further in this IHA.

Beluga Whale

Beluga whales are distributed throughout seasonally ice-covered arctic and subarctic waters of the Northern Hemisphere (Gurevich 1980), and are closely associated with open leads and polynyas in ice-covered regions (Hazard 1988). Belugas are both migratory and residential (non-migratory), depending on the population. Seasonal distribution is affected by ice cover, tidal conditions, access to prey, temperature, and human interaction (Frost *et al.,* 1985).

There are five beluga stocks recognized within U.S. waters: Cook Inlet, Bristol Bay, eastern Bering Sea, eastern Chukchi Sea, and Beaufort Sea. Two stocks, the Beaufort Sea and eastern Chukchi Sea stocks, have the potential to occur in the Study Area.

There are two migration areas used by Beaufort Sea belugas that overlap the Study Area. One, located in the Eastern Chukchi and Alaskan Beaufort Sea, is a migration area in use from April to May. The second, located in the Alaskan Beaufort Sea, is used by migrating belugas from September to October (Calambokidis *et al.,* 2015). During the winter, they can be found foraging in offshore waters associated with pack ice. When the sea ice melts in summer, they move to warmer river estuaries and coastal areas for molting and calving (Muto *et al.,* 2017). Annual migrations can span over thousands of kilometers. The residential Beaufort Sea populations participate in short distance movements within their range throughout the year. Based on satellite tags (Suydam *et al.,* 2001) there is some overlap in distribution with the eastern Chukchi Sea beluga whale stock.

During the winter, eastern Chukchi Sea belugas occur in offshore waters associated with pack ice. In the spring, they migrate to warmer coastal estuaries, bays, and rivers where they may molt (Finley 1982; Suydam 2009) and give birth to and care for their calves (Sergeant and Brodie 1969). Eastern Chukchi Sea belugas move into coastal areas, including Kasegaluk Lagoon (outside of the Study Area), in late June and animals are sighted in the area until about mid-July (Frost and Lowry 1990; Frost *et al.,* 1993). Satellite tags attached to eastern Chukchi Sea belugas captured in Kaseguluk Lagoon during the summer showed these whales traveled 593 nm (1,100 km) north of the Alaska coastline, into the Canadian Beaufort Sea within three months (Suydam *et al.,* 2001). Satellite telemetry data from 23 whales tagged during 1998–2007 suggest variation in movement patterns for different age and/or sex classes during July–September (Suydam *et al.,* 2005). Adult males used deeper waters and remained

there for the duration of the summer; all belugas that moved into the Arctic Ocean (north of 75° N) were males, and males traveled through 90 percent pack ice cover to reach deeper waters in the Beaufort Sea and Arctic Ocean (79–80° N) by late July/early August. Adult and immature female belugas remained at or near the shelf break in the south through the eastern Bering Strait into the northern Bering Sea, remaining north of Saint Lawrence Island over the winter. A whale tagged in the eastern Chukchi Sea in 2007 overwintered in the waters north of Saint Lawrence Island during 2007/2008 and moved to near King Island in April and May before moving north through the Bering Strait in late May and early June (Suydam 2009).

Bearded Seal

Bearded seals are a boreoarctic species with circumpolar distribution (Burns 1967; Burns 1981; Burns and Frost 1979; Fedoseev 1965; Johnson *et al.,* 1966; Kelly 1988a; Smith 1981). Their normal range extends from the Arctic Ocean (85° N) south to Sakhalin Island (45° N) in the Pacific and south to Hudson Bay (55° N) in the Atlantic (Allen 1880; King 1983; Ognev 1935). Bearded seals are widely distributed throughout the northern Bering, Chukchi, and Beaufort Seas and are most abundant north of the ice edge zone (MacIntyre *et al.,* 2013). Bearded seals inhabit the seasonally ice-covered seas of the Northern Hemisphere, where they whelp and rear their pups and molt their coats on the ice in the spring and early summer. The overall summer distribution is quite broad, with seals rarely hauled out on land, and some seals, mostly juveniles, may not follow the ice northward but remain near the coasts of Bering and Chukchi seas (Burns 1967; Burns 1981; Heptner *et al.,* Nelson 1981). As the ice forms again in the fall and winter, most seals move south with the advancing ice edge through the Bering Strait into the Bering Sea where they spend the winter (Boveng and Cameron 2013; Burns and Frost 1979; Cameron and Boveng 2007; Cameron and Boveng 2009; Frost *et al.,* 2005; Frost *et al.,* 2008). This southward migration is less noticeable and predictable than the northward movements in late spring and early summer (Burns 1981; Burns and Frost 1979; Kelly 1988a). During winter, the central and northern parts of the Bering Sea shelf have the highest densities of bearded seals (Braham *et al.,* 1981; Burns 1981; Burns and Frost 1979; Fay 1974; Heptner *et al.,* 1976; Nelson *et al.,* 1984). In late winter and early spring, bearded seals are widely but not uniformly distributed in the broken, drifting pack ice ranging from the Chukchi Sea south to the ice front in the Bering Sea. In these areas, they tend to avoid the coasts and areas of fast ice (Burns 1967; Burns and Frost 1979).

Bearded seals along the Alaskan coast tend to prefer areas where sea ice covers 70 to 90 percent of the surface, and are most abundant 20 to 100 nautical miles (nmi) (37 to 185 (km) offshore during the spring season (Bengston *et al.,* 2000; Bengston *et al.,* 2005; Simpkins *et al.,* 2003). In spring, bearded seals may also concentrate in nearshore pack ice habitats, where females give birth on the most stable areas of ice (Reeves *et al.,* 2003) and generally prefer to be near polynyas (areas of open water surrounded by sea ice) and other natural openings in the sea ice for breathing, hauling out, and prey access (Nelson *et al.,* 1984; Stirling 1997). While molting between April and August, bearded seals spend substantially more time hauled out than at other times of the year (Reeves *et al.,* 2002).

In their explorations of the Canada Basin, Harwood *et al.* (2005) observed bearded seals in waters of less than 656 ft (200 m) during the months from August to September. These sightings were east of 140° W. The Bureau of Ocean Energy Management conducted an aerial survey from June through October that covered the shallow Beaufort and Chukchi Sea shelf waters, and observed bearded seals from Point Barrow to the border of Canada (Clarke *et al.,* 2014). The farthest from shore that bearded seals were observed was the waters of the continental slope.

On December 28, 2012, NMFS listed both the Okhotsk and the Beringia distinct population segments (DPSs) of bearded seals as threatened under the ESA (77 FR 76740). The Alaska stock of bearded seals consists of only Beringia DPS seals.

Ringed Seal

Ringed seals are the most common pinniped in the Study Area and have wide distribution in seasonally and permanently ice-covered waters of the Northern Hemisphere (North Atlantic Marine Mammal Commission 2004). Throughout their range, ringed seals have an affinity for ice-covered waters and are well adapted to occupying both shore-fast and pack ice (Kelly 1988c). Ringed seals can be found further offshore than other pinnipeds since they can maintain breathing holes in ice thickness greater than 6.6 ft (2 m) (Smith and Stirling 1975). Breathing holes are maintained by ringed seals' sharp teeth and claws on their fore flippers. They remain in contact with ice most of the year and use it as a platform for molting in late spring to early summer, for pupping and nursing in late winter to early spring, and for resting at other times of the year (Muto *et al.,* 2017).

Ringed seals have at least two distinct types of subnivean lairs: Haulout lairs and birthing lairs (Smith and Stirling 1975). Haulout lairs are typically single-chambered and offer protection from predators and cold weather. Birthing lairs are larger, multi-chambered areas that are used for pupping in addition to protection from predators. Ringed seals pup on both land-fast ice as well as stable pack ice. Lentfer (1972) found that ringed seals north of Barrow, Alaska build their subnivean lairs on the pack ice near pressure ridges. Since subnivean lairs were found north of Barrow, Alaska, in pack ice, they are also assumed to be found within the sea ice in the Study Area. Ringed seals excavate subnivean lairs in drifts over their breathing holes in the ice, in which they rest, give birth, and nurse their pups for 5–9 weeks during late winter and spring (Chapskii 1940; McLaren 1958; Smith and Stirling 1975). Snow depths of at least 20–26 in (50–65 cm) are required for functional birth lairs (Kelly 1988b; Lydersen 1998; Lydersen and Gjertz 1986; Smith and Stirling 1975), and such depths typically are found only where 8–12 in (20–30 cm) or more of snow has accumulated on flat ice and then drifted along pressure ridges or ice hummocks (Hammill 2008; Lydersen *et al.,* 1990; Lydersen and Ryg 1991; Smith and Lydersen 1991). Ringed seals are born beginning in March, but the majority of births occur in early April. About a month after parturition, mating begins in late April and early May.

In Alaska waters, during winter and early spring when sea ice is at its maximum extent, ringed seals are abundant in the northern Bering Sea, Norton and Kotzebue Sounds, and throughout the Chukchi and Beaufort seas (Frost 1985; Kelly 1988c). Passive acoustic monitoring of ringed seals from a high frequency recording package deployed at a depth of 787 ft (240 m) in the Chukchi Sea 65 nmi (120 km) north-northwest of Barrow, Alaska detected ringed seals in the area between mid-December and late May over the 4 year study (Jones *et al.,* 2014). With the onset of fall freeze, ringed seal movements become increasingly restricted and seals will either move west and south with the advancing ice pack with many seals dispersing throughout the Chukchi and Bering Seas, or remaining in the Beaufort Sea (Crawford *et al.,* 2012; Frost and Lowry 1984; Harwood *et al.,* 2012). Kelly *et al.* (2010a) tracked home

ranges for ringed seals in the subnivean period (using shore-fast ice); the size of the home ranges varied from less than 1 up to 279 km² (median is 0.62 km² for adult males and 0.65 km² for adult females). Most (94 percent) of the home ranges were less than 3 km² during the subnivean period (Kelly *et al.,* 2010a). Near large polynyas, ringed seals maintain ranges, up to 7,000 km² during winter and 2,100 km² during spring (Born *et al.,* 2004). Some adult ringed seals return to the same small home ranges they occupied during the previous winter (Kelly *et al.,* 2010a). The size of winter home ranges can, however, vary by up to a factor of 10 depending on the amount of fast ice; seal movements were more restricted during winters with extensive fast ice, and were much less restricted where fast ice did not form at high levels (Harwood *et al.,* 2015).

Most taxonomists recognize five subspecies of ringed seals. The Arctic ringed seal subspecies occurs in the Arctic Ocean and Bering Sea and is the only stock that occurs in U.S. waters (referred to as the Alaska stock). NMFS listed the Arctic ringed seal subspecies as threatened under the ESA on December 28, 2012 (77 FR 76706), primarily due to anticipated loss of sea ice through the end of the 21st century.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 dB threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Low-frequency cetaceans (mysticetes): Generalized hearing is estimated to occur between approximately 7 Hz and 35 kHz;
- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 Hz and 160 kHz;
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz.
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz;
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Three marine mammal species (one cetacean and two pinniped (both phocid)) have the reasonable potential to co-occur with the proposed survey activities. Please refer to Table 3. Beluga whales are classified as mid-frequency cetaceans.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The ''Estimated Take by Incidental Harassment'' section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis and Determination'' section considers the content of this section, the ''Estimated Take by Incidental Harassment'' section, and the ''Proposed Mitigation'' section to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Description of Sound Sources

Here, we first provide background information on marine mammal hearing before discussing the potential effects of the use of active acoustic sources on marine mammals.

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in Hz or cycles per second. Wavelength is the distance between two peaks of a sound wave; lower frequency sounds have longer wavelengths than higher frequency sounds and attenuate (decrease) more rapidly in shallower water. Amplitude is the height of the sound pressure wave or the 'loudness' of a sound and is typically measured using the dB scale. A dB is the ratio between a measured pressure (with sound) and a reference pressure (sound at a constant pressure, established by scientific standards). It is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to large changes in sound pressure. When referring to sound pressure levels (SPLs; the sound force per unit area), sound is referenced in the context of underwater sound pressure to 1 μPa. One pascal is the pressure resulting from a force of one newton exerted over an area of one square meter. The source level (SL) represents the sound level at a distance of 1 m from the source (referenced to 1 μPa). The received level is the sound level at the listener's position. Note that all underwater sound levels in this document are referenced to a pressure of 1 μPa.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. RMS is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick 1983). RMS accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper 2005). This measurement is often used in the context of discussing behavioral effects,

in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in all directions away from the source (similar to ripples on the surface of a pond), except in cases where the source is directional. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,* 1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction). A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- *Wind and waves:* The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient noise for frequencies between 200 Hz and 50 kHz (Mitson, 1995). Under sea ice, noise generated by ice deformation and ice fracturing may be caused by thermal, wind, drift and current stresses (Roth *et al.,* 2012);
- *Precipitation:* Sound from rain and hail impacting the water surface can become an important component of total noise at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times. In the ice-covered study area, precipitation is unlikely to impact ambient sound;
- *Biological:* Marine mammals can contribute significantly to ambient noise levels, as can some fish and shrimp. The frequency band for biological contributions is from approximately 12 Hz to over 100 kHz; and
- *Anthropogenic:* Sources of ambient noise related to human activity include transportation (surface vessels and aircraft), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Shipping noise typically dominates the total ambient noise for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly (Richardson *et al.,* 1995). Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound. Anthropogenic sources are unlikely to significantly contribute to ambient underwater noise during the late winter and early spring in the study area as most anthropogenic activities will not be active due to ice cover (*e.g.* seismic surveys, shipping) (Roth *et al.,* 2012).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

Underwater sounds fall into one of two general sound types: Impulsive and non-impulsive (defined in the following paragraphs). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.,* (2007) for an in-depth discussion of these concepts.

Impulsive sound sources (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI 1986; Harris 1998; NIOSH 1998; ISO 2003; ANSI 2005) and occur either as isolated events or repeated in some succession. Impulsive sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-impulsive sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI 1995; NIOSH 1998). Some of these non-impulsive sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-impulsive sounds include those produced by vessels, aircraft, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar sources that intentionally direct a sound signal at a target that is reflected back in order to discern physical details about the target. These active sources are used in navigation, military training and testing, and other research activities such as the activities planned by the U.S. Navy as part of the proposed action. Icebreaking is also considered a non-impulsive sound. The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Acoustic Impacts

Please refer to the information given previously regarding sound, characteristics of sound types, and metrics used in this document. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007; Gotz *et al.,* 2009). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing will occur almost exclusively for noise within an animal's hearing range. In this section,

we first describe specific manifestations of acoustic effects before providing discussion specific to the proposed activities in the next section.

Permanent Threshold Shift —Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Finneran 2015). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.,* tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.,* 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.,* Ward, 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals—PTS data exists only for a single harbor seal (Kastak *et al.,* 2008)—but are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several decibels above (a 40-dB threshold shift approximates PTS onset; *e.g.,* Kryter *et al.,* 1966; Miller, 1974) that inducing mild TTS (a 6-dB threshold shift approximates TTS onset; *e.g.,* Southall *et al.,* 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as impact pile driving pulses as received close to the source) are at least six dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level (SEL) thresholds are 15 to 20 dB higher than TTS cumulative SEL thresholds (Southall *et al.,* 2007).

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus),* beluga whale, harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*)) and three species of pinnipeds (northern elephant seal (*Mirounga angustirostris*), harbor seal, and California sea lion (*Zalophus californianus*)) exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (Finneran 2015). TTS was not observed in trained spotted and ringed seals exposed to impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.,* 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species. Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), and Finneran (2015).

Behavioral Effects—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.* 1995; NRC 2003; Wartzok *et al.* 2003). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.* 1997; Finneran *et al.* 2003). Observed responses of wild marine mammals to loud impulsive sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an

underwater sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, l*et al*one the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder 2007; Weilgart 2007; NRC 2003). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.,* 2004; Goldbogen *et al.,* 2013). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.;* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold, 1996; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both *(e.g.,* Harrington and Veitch 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a

manner resulting in sustained multi-day substantive behavioral responses.

For non-impulsive sounds (*i.e.,* similar to the sources used during the proposed action), data suggest that exposures of pinnipeds to sources between 90 and 140 dB re 1 μPa do not elicit strong behavioral responses; no data were available for exposures at higher received levels for Southall *et al.* (2007) to include in the severity scale analysis. Reactions of harbor seals were the only available data for which the responses could be ranked on the severity scale. For reactions that were recorded, the majority (17 of 18 individuals/groups) were ranked on the severity scale as a 4 (defined as moderate change in movement, brief shift in group distribution, or moderate change in vocal behavior) or lower; the remaining response was ranked as a 6 (defined as minor or moderate avoidance of the sound source). Additional data on hooded seals (*Cystophora cristata*) indicate avoidance responses to signals above 160–170 dB re 1 μPa (Kvadsheim *et al.,* 2010), and data on grey (*Halichoerus grypus*) and harbor seals indicate avoidance response at received levels of 135–144 dB re 1 μPa (Götz *et al.,* 2010). In each instance where food was available, which provided the seals motivation to remain near the source, habituation to the signals occurred rapidly. In the same study, it was noted that habituation was not apparent in wild seals where no food source was available (Götz *et al.* 2010). This implies that the motivation of the animal is necessary to consider in determining the potential for a reaction. In one study aimed to investigate the under-ice movements and sensory cues associated with under-ice navigation of ice seals, acoustic transmitters (60–69 kHz at 159 dB re 1 μPa at 1 m) were attached to ringed seals (Wartzok *et al.,* 1992a; Wartzok *et al.,* 1992b). An acoustic tracking system then was installed in the ice to receive the acoustic signals and provide real-time tracking of ice seal movements. Although the frequencies used in this study are at the upper limit of ringed seal hearing, the ringed seals appeared unaffected by the acoustic transmissions, as they were able to maintain normal behaviors (*e.g.,* finding breathing holes).

Seals exposed to non-impulsive sources with a received sound pressure level within the range of calculated exposures (142–193 dB re 1 μPa), have been shown to change their behavior by modifying diving activity and avoidance of the sound source (Götz *et al.,* 2010; Kvadsheim *et al.,* 2010). Although a minor change to a behavior may occur as a result of exposure to the sources in the proposed action, these changes would be within the normal range of behaviors for the animal (*e.g.,* the use of a breathing hole further from the source, rather than one closer to the source, would be within the normal range of behavior) (Kelly *et al.* 1988).

Some behavioral response studies have been conducted on odontocete responses to sonar. In studies that examined sperm whales (*Physeter macrocephalus*) and false killer whales (*Pseudorca crassidens*) (both in the mid-frequency cetacean hearing group), the marine mammals showed temporary cessation of calling and avoidance of sonar sources (Akamatsu *et al.,* 1993; Watkins and Schevill 1975). Sperm whales resumed calling and communication approximately two minutes after the pings stopped (Watkins and Schevill 1975). False killer whales moved away from the sound source but returned to the area between 0 and 10 minutes after the end of transmissions (Akamatsu *et al.,* 1993). Many of the contextual factors resulting from the behavioral response studies (*e.g.,* close approaches by multiple vessels or tagging) would not occur during the proposed action. Odontocete behavioral responses to acoustic transmissions from non-impulsive sources used during the proposed action would likely be a result of the animal's behavioral state and prior experience rather than external variables such as ship proximity; thus, if significant behavioral responses occur they would likely be short term. In fact, no significant behavioral responses such as panic, stranding, or other severe reactions have been observed during monitoring of actual training exercises (Department of the Navy 2011, 2014; Smultea and Mobley 2009; Watwood *et al.,* 2012).

Icebreaking noise has the potential to disturb marine mammals and elicit an alerting, avoidance, or other behavioral reaction (Huntington *et al.,* 2015; Pirotta *et al.,* 2015; Williams *et al.,* 2014). Icebreaking in fast ice during the spring can cause behavioral reactions in beluga whales. However, icebreaking associated with the proposed action would only occur from August through October, which lessens the probability of a whale encountering the vessel (in comparison to other sources in the proposed action that would be active year-round).

Ringed seals and bearded seals on pack ice showed various behaviors when approached by an icebreaking vessel. A majority of seals dove underwater when the ship was within 0.5 nautical miles (0.93 km) while others remained on the ice. However, as icebreaking vessels came closer to the seals, most dove underwater. Ringed seals have also been observed foraging in the wake of an icebreaking vessel (Richardson *et al.,* 1995). In studies by Alliston (1980; 1981), there was no observed change in the density of ringed seals in areas that had been subject to icebreaking. Alternatively, ringed seals may have preferentially established breathing holes in the ship tracks after the icebreaker moved through the area. Due to the time of year of the activity (August through October), ringed seals are not expected to be within the subnivean lairs nor pupping (Chapskii 1940; McLaren 1958; Smith and Stirling 1975).

Adult ringed seals spend up to 20 percent of the time in subnivean lairs during the winter season (Kelly *et al.,* 2010a). Ringed seal pups spend about 50 percent of their time in the lair during the nursing period (Lydersen and Hammill 1993). During the warm season both bearded seals and ringed seals haul out on the ice. In a study of ringed seal haul out activity by Born *et al.* (2002), ringed seals spent 25–57 percent of their time hauled out in June which is during their molting season. Bearded seals also spend a large amount of time hauled out during the molting season between April and August (Reeves *et al.,* 2002). Ringed seal lairs are typically used by individual seals (haulout lairs) or by a mother with a pup (birthing lairs); large lairs used by many seals for hauling out are rare (Smith and Stirling 1975). If the non-impulsive acoustic transmissions are heard and are perceived as a threat, ringed seals within subnivean lairs could react to the sound in a similar fashion to their reaction to other threats, such as polar bears (their primary predators), although the type of sound would be novel to them. Responses of ringed seals to a variety of human-induced sounds (*e.g.,* helicopter noise, snowmobiles, dogs, people, and seismic activity) have been variable; some seals entered the water and some seals remained in the lair. However, in all instances in which observed seals departed lairs in response to noise disturbance, they subsequently reoccupied the lair (Kelly *et al.,* 1988).

Ringed seal mothers have a strong bond with their pups and may physically move their pups from the birth lair to an alternate lair to avoid predation, sometimes risking their lives to defend their pups from potential predators (Smith 1987). If a ringed seal mother perceives the proposed acoustic sources as a threat, the network of multiple birth and haulout lairs allows the mother and pup to move to a new

lair (Smith and Hammill 1981; Smith and Stirling 1975). The acoustic sources and icebreaking noise from this proposed action are not likely to impede a ringed seal from finding a breathing hole or lair, as captive seals have been found to primarily use vision to locate breathing holes and no effect to ringed seal vision would occur from the acoustic disturbance (Elsner *et al.,* 1989; Wartzok *et al.,* 1992a). It is anticipated that a ringed seal would be able to relocate to a different breathing hole relatively easily without impacting their normal behavior patterns.

Stress responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle 1950; Moberg 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003).

Auditory masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is anthropogenic, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007b; Di Iorio and Clark, 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore, 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

Potential Effects on Prey—The marine mammal species in the study area feed on marine invertebrates and fish. Studies of sound energy effects on invertebrates are few, and primarily identify behavioral responses. It is expected that most marine invertebrates would not sense the frequencies of the acoustic transmissions from the acoustic sources associated with the proposed action. Although acoustic sources used

during the proposed action may briefly impact individuals, intermittent exposures to non-impulsive acoustic sources are not expected to impact survival, growth, recruitment, or reproduction of widespread marine invertebrate populations. Impacts to invertebrates from icebreaking noise is unknown, but it is likely that some species including crustaceans and cephalopods would be able to perceive the low frequency sounds generated from icebreaking. Icebreaking associated with the proposed action would be short-term and temporary as the vessel moves through an area, and it is not anticipated that this short-term noise would result in significant harm, nor is it expected to result in more than a temporary behavioral reaction of marine invertebrates in the vicinity of the icebreaking event.

The fish species residing in the study area include those that are closely associated with the deep ocean habitat of the Beaufort Sea. Nearly 250 marine fish species have been described in the Arctic, excluding the larger parts of the sub-Arctic Bering, Barents, and Norwegian Seas (Mecklenburg *et al.,* 2011). However, only about 30 are known to occur in the Arctic waters of the Beaufort Sea (Christiansen and Reist 2013). Although hearing capability data only exist for fewer than 100 of the 32,000 named fish species, current data suggest that most species of fish detect sounds from 50 to 100 Hz, with few fish hearing sounds above 4 kHz (Popper 2008). It is believed that most fish have the best hearing sensitivity from 100 to 400 Hz (Popper 2003). Fish species in the study area are expected to hear the low-frequency sources associated with the proposed action, but most are not expected to detect sound from the mid-frequency sources. Human generated sound could alter the behavior of a fish in a manner than would affect its way of living, such as where it tries to locate food or how well it could find a mate. Behavioral responses to loud noise could include a startle response, such as the fish swimming away from the source, the fish ''freezing'' and staying in place, or scattering (Popper 2003). Icebreaking noise has the potential to expose fish to both sound and general disturbance, which could result in short-term behavioral or physiological responses (*e.g.,* avoidance, stress, increased heart rate). Misund (1997) found that fish ahead of a ship showed avoidance reactions at ranges of 160 to 489 ft (49 to 149 m). Avoidance behavior of vessels, vertically or horizontally in the water column, has been reported for cod and herring, and was attributed to vessel noise. While acoustic sources and icebreaking associated with the proposed action may influence the behavior of some fish species, other fish species may be equally unresponsive. Overall effects to fish from the proposed action would be localized, temporary, and infrequent.

Effects to Physical and Foraging Habitat—Icebreaking activities include the physical pushing or moving of ice to allow vessels to proceed through ice-covered waters. Breaking of pack ice that contains hauled out seals may result in the animals becoming startled and entering the water, but such effects would be brief. Bearded and ringed seals haul out on pack ice during the spring and summer to molt (Reeves *et al.* 2002; Born *et al.,* 2002). Due to the time of year of the icebreaking activity (August through October), ringed seals are not expected to be within the subnivean lairs nor pupping (Chapskii 1940; McLaren 1958; Smith and Stirling 1975). Additionally, studies by Alliston (Alliston 1980; Alliston 1981) suggested that ringed seals may preferentially establish breathing holes in ship tracks after icebreakers move through the area. The amount of ice habitat disturbed by icebreaking activities is small relative to the amount of overall habitat available. There will be no permanent loss or modification of physical ice habitat used by bearded or ringed seals. Icebreaking would have no effect on physical beluga habitat as beluga habitat is solely within the water column.

Testing of towed sources and icebreaking noise would be limited in duration and the deployed sources that would remain in use after the vessels have left the survey area have low duty cycles and lower source levels. There would not be any expected habitat-related effects from non-impulsive acoustic sources or icebreaking noise that could impact the in-water habitat of ringed seal, bearded seal, or beluga whale foraging habitat.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of ''small numbers'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities.

For this military readiness activity, the MMPA defines ''harassment'' as: (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A Harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns and TTS for individual marine mammals resulting from exposure to acoustic transmissions and icebreaking noise. Based on the nature of the activity, Level A harassment is neither anticipated nor proposed to be authorized.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: 1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; 2) the area or volume of water that will be ensonified above these levels in a day; 3) the density or occurrence of marine mammals within these ensonified areas; and, 4) and the number of days of activities. For the proposed IHA, ONR employed a sophisticated model known as the Navy Acoustic Effects Model (NAEMO) for assessing the impacts of underwater sound.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment). The thresholds used to predict occurrences of each type of take are described below.

Level B Harassment for non-explosive sources—In coordination with NMFS, the Navy developed behavioral thresholds to support environmental analyses for the Navy's testing and training military readiness activities utilizing active sonar sources; these behavioral harassment thresholds are used here to evaluate the potential effects of the active sonar components of the proposed action. The response of a marine mammal to an anthropogenic sound will depend on the frequency, duration, temporal pattern and amplitude of the sound as well as the animal's prior experience with the

sound and the context in which the sound is encountered (*i.e.,* what the animal is doing at the time of the exposure). The distance from the sound source and whether it is perceived as approaching or moving away can also affect the way an animal responds to a sound (Wartzok *et al.* 2003). For marine mammals, a review of responses to anthropogenic sound was first conducted by Richardson *et al.* (1995). Reviews by Nowacek *et al.* (2007) and Southall *et al.* (2007) address studies conducted since 1995 and focus on observations where the received sound level of the exposed marine mammal(s) was known or could be estimated. Multi-year research efforts have conducted sonar exposure studies for odontocetes and mysticetes (Miller *et al.* 2012; Sivle *et al.* 2012). Several studies with captive animals have provided data under controlled circumstances for odontocetes and pinnipeds (Houser *et al.* 2013a; Houser *et al.* 2013b). Moretti *et al.* (2014) published a beaked whale dose-response curve based on passive acoustic monitoring of beaked whales during U.S. Navy training activity at Atlantic Underwater Test and Evaluation Center during actual Anti-Submarine Warfare exercises. This new information necessitated the update of the behavioral response criteria for the U.S. Navy's environmental analyses.

Southall *et al.* (2007) synthesized data from many past behavioral studies and observations to determine the likelihood of behavioral reactions at specific sound levels. While in general, the louder the sound source the more intense the behavioral response, it was clear that the proximity of a sound source and the animal's experience, motivation, and conditioning were also critical factors influencing the response (Southall *et al.* 2007). After examining all of the available data, the authors felt that the derivation of thresholds for behavioral response based solely on exposure level was not supported because context of the animal at the time of sound exposure was an important factor in estimating response. Nonetheless, in some conditions, consistent avoidance reactions were noted at higher sound levels depending on the marine mammal species or group, allowing conclusions to be drawn.

Odontocete behavioral criteria for non-impulsive sources were updated based on controlled exposure studies for dolphins and sea mammals, sonar, and safety (3S) studies where odontocete behavioral responses were reported after exposure to sonar (Antunes *et al.,* 2014; Houser *et al.,* 2013b); Miller *et al.,* 2011; Miller *et al.,* 2014; Miller *et al.,* 2012). For the 3S study the sonar outputs included 1–2 kHz up- and down-sweeps and 6–7 kHz up-sweeps; source levels were ramped up from 152–158 dB re 1 μPa to a maximum of 198–214 re 1 μPa at 1 m. Sonar signals were ramped up over several pings while the vessel approached the mammals. The study did include some control passes of ships with the sonar off to discern the behavioral responses of the mammals to vessel presence alone versus active sonar. The controlled exposure studies included exposing the Navy's trained bottlenose dolphins to mid-frequency sonar while they were in a pen. Mid-frequency sonar was played at 6 different exposure levels from 125–185 dB re 1 μPa (rms). The behavioral response function for odontocetes resulting from the studies described above has a 50 percent probability of response at 157 dB re 1 μPa. Additionally, distance cutoffs (20 km for MF cetaceans and 10 km for pinnipeds) were applied to exclude exposures beyond which the potential of significant behavioral responses is considered to be unlikely.

The pinniped behavioral threshold was updated based on controlled exposure experiments on the following captive animals: Hooded seal, gray seal, and California sea lion (Götz *et al.* 2010; Houser *et al.* 2013a; Kvadsheim *et al.* 2010). Hooded seals were exposed to increasing levels of sonar until an avoidance response was observed, while the grey seals were exposed first to a single received level multiple times, then an increasing received level. Each individual California sea lion was exposed to the same received level ten times. These exposure sessions were combined into a single response value, with an overall response assumed if an animal responded in any single session. The resulting behavioral response function for pinnipeds has a 50 percent probability of response at 166 dB re 1 μPa. Additional details regarding these criteria may be found in the technical report, Criteria and Thresholds for U.S. Navy Acoustic and Explosive Effects Analysis (2017a) which may be found at: *http://aftteis.com/Portals/3/docs/newdocs/Criteria%20and%20Thresholds_TR_Submittal_05262017.pdf*. This technical report was included as part of the Navy's Atlantic Fleet Training and Testing Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) (Navy 2017b) which is located at: *http://www.aftteis.com/*.

NMFS is proposing to adopt the Navy's approach to estimating incidental take by Level B harassment from the active acoustic sources for this action, which includes use of these dose response functions. The Navy's dose response functions were developed to estimate take from sonar and similar transducers and are not applicable to icebreaking. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 μPa (rms) for continuous (*e.g.,* vibratory pile-driving, drilling, icebreaking) and above 160 dB re 1 μPa (rms) for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Thus, take of marine mammals by Level B harassment due to icebreaking has been calculated using the Navy's NAEMO model with a step-function at 120 dB re 1 μPa (rms) received level for behavioral response.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). ONR's proposed activities involve only non-impulsive sources.

These thresholds are provided in Table 4 below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance*.

TABLE 4—INJURY (PTS) THRESHOLDS FOR UNDERWATER SOUNDS

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,MF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μPa, and cumulative sound level (L_E) has a reference value of 1μPa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript ''flat'' is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Quantitative Modeling

The Navy performed a quantitative analysis to estimate the number of mammals that could be harassed by the underwater acoustic transmissions during the proposed action. Inputs to the quantitative analysis included marine mammal density estimates, marine mammal depth occurrence distributions (Navy 2017a), oceanographic and environmental data, marine mammal hearing data, and criteria and thresholds for levels of potential effects. The quantitative analysis consists of computer modeled estimates and a post-model analysis to determine the number of potential animal exposures. The model calculates sound energy propagation from the proposed non-impulsive acoustic sources and icebreaking, the sound received by animat (virtual animal) dosimeters representing marine mammals distributed in the area around the modeled activity, and whether the sound received by animats exceeds the thresholds for effects.

The Navy developed a set of software tools and compiled data for estimating acoustic effects on marine mammals without consideration of behavioral avoidance or mitigation. These tools and data sets serve as integral components of NAEMO. In NAEMO, animats are distributed non-uniformly based on species-specific density, depth distribution, and group size information and animats record energy received at their location in the water column. A fully three-dimensional environment is used for calculating sound propagation and animat exposure in NAEMO. Site-specific bathymetry, sound speed profiles, wind speed, and bottom properties are incorporated into the propagation modeling process. NAEMO calculates the likely propagation for various levels of energy (sound or pressure) resulting from each source used during the training event.

NAEMO then records the energy received by each animat within the energy footprint of the event and calculates the number of animats having received levels of energy exposures that fall within defined impact thresholds. Predicted effects on the animats within a scenario are then tallied and the highest order effect (based on severity of criteria; *e.g.,* PTS over TTS) predicted for a given animat is assumed. Each scenario, or each 24-hour period for scenarios lasting greater than 24 hours (which NMFS recommends in order to ensure more consistent quantification of take across actions), is independent of all others, and therefore, the same individual marine animal (as represented by an animat in the model environment) could be impacted during each independent scenario or 24-hour period. In few instances, although the activities themselves all occur within the study area, sound may propagate beyond the boundary of the study area. Any exposures occurring outside the boundary of the study area are counted as if they occurred within the study area boundary. NAEMO provides the initial estimated impacts on marine species with a static horizontal distribution (*i.e.,* animats in the model environment do not move horizontally).

There are limitations to the data used in the acoustic effects model, and the results must be interpreted within this context. While the best available data and appropriate input assumptions have been used in the modeling, when there is a lack of definitive data to support an aspect of the modeling, conservative modeling assumptions have been chosen (*i.e.,* assumptions that may result in an overestimate of acoustic exposures):

- Animats are modeled as being underwater, stationary, and facing the source and therefore always predicted to receive the maximum potential sound level at a given location (*i.e.,* no porpoising or pinnipeds' heads above water);
- Animats do not move horizontally (but change their position vertically within the water column), which may overestimate physiological effects such as hearing loss, especially for slow moving or stationary sound sources in the model;
- Animats are stationary horizontally and therefore do not avoid the sound source, unlike in the wild where animals would most often avoid exposures at higher sound levels, especially those exposures that may result in PTS;
- Multiple exposures within any 24-hour period are considered one continuous exposure for the purposes of calculating potential threshold shift, because there are not sufficient data to estimate a hearing recovery function for the time between exposures; and
- Mitigation measures were not considered in the model. In reality, sound-producing activities would be reduced, stopped, or delayed if marine mammals are detected by visual monitoring.

Because of these inherent model limitations and simplifications, model-estimated results should be further analyzed, considering such factors as the range to specific effects, avoidance, and the likelihood of successfully

implementing mitigation measures. This analysis uses a number of factors in addition to the acoustic model results to predict acoustic effects on marine mammals.

The underwater radiated noise signature for icebreaking in the central Arctic Ocean by CGC HEALY during different types of ice cover was characterized in Roth *et al.* (2013). The radiated noise signatures were characterized for various fractions of ice cover (out of 10). For modeling, the 8/10 and 3/10 ice cover were used based on the data available. Each modeled day of icebreaking consisted of 16 hours of 8/10 ice cover and 8 hours of 3/10 ice cover, which was considered a fairly conservative way of representing the expected ice cover based on what is known. Icebreaking was modeled for 4 days each year. The sound signature of each of the ice coverage levels was broken into 1-octave bins (Table 5). In the model, each bin was included as a separate source on the modeled vessel. When these independent sources go active concurrently, they simulate the sound signature of CGC HEALY. The modeled source level summed across these bins was 196.2 dB for the 8/10 signature and 189.3 dB for the 3/10 ice signature. These source levels are a good approximation of the icebreaker's observed source level (Roth *et al.,* 2013). Each frequency and source level was modeled as an independent source, and applied simultaneously to all of the animats within the model environment. Each second was summed across frequency to estimate sound pressure level (SPL_{rms}). This value was incorporated into NAEMO using NMFS' 120 dB re 1 μPa continuous sound source threshold to estimate Level B harassment. For PTS and TTS determinations, sound exposure levels were summed over the duration of the test and the transit to the deep water deployment level.

TABLE 5—MODELED BINS FOR ICEBREAKING IN FRACTIONAL ICE COVERAGE ON CGC HEALY

Frequency (Hz)	8/10 ice coverage (full power)	3/10 ice coverage (quarter power)
	Source level (dB)	Source level (dB)
25	189	187
50	188	182
100	189	179
200	190	177
400	188	175
800	183	170
1600	177	166
3200	176	171
6400	172	168
12800	167	164

For the other non-impulsive sources, NAEMO calculates the SPL and SEL for each active emission during an event. This is done by taking the following factors into account over the propagation paths: Bathymetric relief and bottom types, sound speed, and attenuation contributors such as absorption, bottom loss, and surface loss. Platforms such as a ship using one or more sound sources are modeled in accordance with relevant vehicle dynamics and time durations by moving them across an area whose size is representative of the testing event's operational area. Table 6 provides range to effects for non-impulsive sources and icebreaking noise proposed for the Arctic research activities to mid-frequency cetacean and pinniped specific criteria. Marine mammals within these ranges would be predicted to receive the associated effect. Range to effects is important information in not only predicting non-impulsive acoustic impacts, but also in verifying the accuracy of model results against real-world situations and determining adequate mitigation ranges to avoid higher level effects, especially physiological effects in marine mammals. Therefore, the ranges in Table 6 provide realistic maximum distances over which the specific effects from the use of non-impulsive sources during the proposed action would be possible.

TABLE 6—RANGE TO PTS, TTS, AND BEHAVIORAL EFFECTS IN THE STUDY AREA

Source	Range to behavioral effects (m)		Range to TTS effects (m)		Range to PTS effects (m)	
	MF Cetacean	Pinniped	MF Cetacean	Pinniped	MF Cetacean	Pinniped
LF4 towed source	20,000	10,000	0	1	0	0
LF5 towed source	20,000	10,000	0	1	0	0
MF9 towed source	20,000	10,000	4	50	0	4
Navigation and real-time sensing sources	20,000	10,000	0	6	0	0
Tomography sources	20,000	10,000	0	2	0	0
Spherical Wave source	20,000	10,000	0	0	0	0
Icebreaking noise	4,275	4,525	3	12	0	0

A behavioral response study conducted on and around the Navy range in Southern California (SOCAL BRS) observed reactions to sonar and similar sound sources by several marine mammal species, including Risso's dolphins (*Grampus griseus*), a mid-frequency cetacean (DeRuiter *et al.,* 2013; Goldbogen *et al.,* 2013; Southall *et al.,* 2011; Southall *et al.,* 2012; Southall *et al.,* 2013; Southall *et al.,* 2014). In preliminary analysis, none of the Risso's dolphins exposed to simulated or real mid-frequency sonar demonstrated any overt or obvious responses (Southall *et al.,* 2012, Southall *et al.,* 2013). In general, although the responses to the simulated sonar were varied across individuals and species, none of the animals exposed to real Navy sonar responded; these exposures occurred at distances beyond 10 km, and were up to 100 km away (DeRuiter *et al.,* 2013; B. Southall pers. comm.). These data suggest that most odontocetes (not including beaked whales and harbor porpoises) likely do not exhibit significant behavioral reactions to sonar and other transducers beyond approximately 10 km. Therefore, the Navy uses a cutoff distance for odontocetes of 10 km for moderate source level, single platform training and testing events, and 20 km for all other events, including the proposed Arctic Research Activities (Navy 2017a).

Southall *et al.,* (2007) report that pinnipeds do not exhibit strong reactions to SPLs up to 140 dB re 1 μPa from non-impulsive sources. While there are limited data on pinniped behavioral responses beyond about 3 km in the water, the Navy uses a distance cutoff of 5 km for moderate source level, single platform training and testing events, and 10 km for all other events, including the proposed Arctic Research Activities (Navy 2017a).

NMFS and the Navy conservatively propose a distance cutoff of 5.4 nmi (10 km) for pinnipeds, and 10.8 nmi (20 km) for mid-frequency cetaceans (Navy 2017a). Regardless of the received level at that distance, take is not estimated to occur beyond 10 and 20 km from the source for pinnipeds and cetaceans, respectively. Sources that show a range of zero do not rise to the specified level of effects (*e.g.,* there is no chance of PTS for beluga whales from the navigation source).

As discussed above, within NAEMO animats do not move horizontally or react in any way to avoid sound. Furthermore, mitigation measures that reduce the likelihood of physiological impacts are not considered in quantitative analysis. Therefore, the model may overestimate acoustic impacts, especially physiological impacts near the sound source. The behavioral criteria used as a part of this analysis acknowledges that a behavioral reaction is likely to occur at levels below those required to cause hearing loss. At close ranges and high sound levels approaching those that could cause PTS, avoidance of the area immediately around the sound source is the assumed behavioral response for most cases.

In previous environmental analyses, the Navy has implemented analytical factors to account for avoidance behavior and the implementation of mitigation measures. The application of avoidance and mitigation factors has only been applied to model-estimated PTS exposures given the short distance over which PTS is estimated. Given that no PTS exposures were estimated during the modeling process for this proposed action, the quantitative consideration of avoidance and mitigation factors were not included in this analysis.

If exposure were to occur, beluga whales, bearded seals, and ringed seals could exhibit behavioral responses such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging. Additionally, ringed seals may exhibit a TTS. Most likely, animals affected by non-impulsive acoustic sources or icebreaking noise resulting from the proposed action would move away from the sound source and be temporarily displaced from their foraging, migration, or breeding areas or haulout sites within the study area. For the reasons included above, Level A harassment is not anticipated for any of the exposed species or stocks.

Table 7 shows the exposures expected for the beluga whale, bearded seal, and ringed seal based on NAEMO modeled results. While density estimates for the two stocks of beluga whales are equal (Kaschner *et al.,* 2006; Kaschner 2004), take of the Eastern Chukchi Sea beluga whale stock has been reduced to account for the lower likelihood of this stock being present in the study area.

TABLE 7—QUANTITATIVE MODELING RESULTS OF POTENTIAL EXPOSURES

Species	Density estimate within study area (animals per square km) [1]	Level B harassment from towed and deployed sources	Level B harassment from icebreaking	Level A harassment	Total proposed take	Percentage of stock taken
Beluga Whale (Beaufort Sea Stock)	0.0087	60	24	0	84	0.21
Beluga Whale (Eastern Chukchi Sea stock)	0.0087	6	2	0	8	0.04
Bearded Seal	0.0332	1	0	0	1	< 0.01
Ringed Seal	0.3760	1,826	1,245	0	3,071	1.81

[1] Kaschner *et al.* (2006); Kaschner (2004).

Effects of Specified Activities on Subsistence Uses of Marine Mammals

Subsistence hunting is important for many Alaska Native communities. A study of the North Slope villages of Nuiqsut, Kaktovik, and Barrow identified the primary resources used for subsistence and the locations for harvest (Stephen R. Braund & Associates 2010), including terrestrial mammals (caribou, moose, wolf, and wolverine), birds (geese and eider), fish (Arctic cisco, Arctic char/Dolly Varden trout, and broad whitefish), and marine mammals (bowhead whale, ringed seal, bearded seal, and walrus). Bearded seals, ringed seals, and beluga whales are located within the study area during the proposed action. The permitted sources would be placed outside of the range for subsistence hunting and the study plans have been communicated to the Native communities. The closest active acoustic source within the study area (aside from the *de minimis* sources), is approximately 141 mi (227 km) from land. As stated above, the range to effects for non-impulsive acoustic sources in this experiment is relatively small (20 km). In addition, the proposed action would not remove individuals from the population. Therefore, there would be no impacts caused by this action to the availability of bearded seal, ringed seal, or beluga whale for subsistence hunting. Therefore, subsistence uses of marine mammals would not be impacted by the proposed action.

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)). The NDAA for FY 2004 amended the MMPA as it relates to military readiness activities and the incidental take authorization process such that ''least practicable impact'' shall include consideration of personnel

safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

Mitigation for Marine Mammals and Their Habitat

Ships operated by or for the Navy have personnel assigned to stand watch at all times, day and night, when moving through the water. While in transit, ships must use extreme caution and proceed at a safe speed such that the ship can take proper and effective action to avoid a collision with any marine mammal and can be stopped within a distance appropriate to the prevailing circumstances and conditions.

Exclusion zones for active acoustics involve turning off towed sources when a marine mammal is sighted within 200 yards (yd; 183 m) from the source. Active transmission will re-commence if any one of the following conditions are met: (1) The animal is observed exiting the exclusion zone, (2) the animal is thought to have exited the exclusion zone based on its course and speed and relative motion between the animal and the source, (3) the exclusion zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds and 30 minutes for cetaceans, or (4) the ship has transited more than 400 yd (366 m) beyond the location of the last sighting.

During mooring deployment, visual observation would start 30 minutes prior to and continue throughout the deployment within an exclusion zone of 60 yd (55 m) around the deployed mooring. Deployment will stop if a marine mammal is visually detected within the exclusion zone. Deployment will re-commence if any one of the following conditions are met: (1) The animal is observed exiting the exclusion zone, (2) the animal is thought to have exited the exclusion zone based on its course and speed, or (3) the exclusion zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds and 30 minutes for cetaceans. Visual monitoring will continue through 30 minutes following the deployment of sources.

Ships would avoid approaching marine mammals head on and would maneuver to maintain an exclusion zone of 500 yd (457 m) around observed whales, and 200 yd (183 m) around all other marine mammals, provided it is safe to do so in ice free waters.

Moored and drifting sources are left in place and cannot be turned off until the following year during ice free months. Once they are programmed, they will operate at the specified pulse lengths and duty cycles until they are either turned off the following year or there is failure of the battery and are not able to operate. Due to the ice covered nature of the Arctic, it is not possible to recover the sources or interfere with their transmit operations in the middle of the year.

These requirements do not apply if a vessel's safety is at risk, such as when a change of course would create an imminent and serious threat to safety, person, vessel, or aircraft, and to the extent vessels are restricted in their ability to maneuver. No further action is necessary if a marine mammal other than a whale continues to approach the vessel after there has already been one maneuver and/or speed change to avoid the animal. Avoidance measures should continue for any observed whale in order to maintain an exclusion zone of 500 yd (457 m).

All personnel conducting on-ice experiments, as well as all aircraft operating in the study area, are required to maintain a separation distance of 1,000 ft (305 m) from any sighted pinniped.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for subsistence uses.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

While underway, the ships (including non-Navy ships operating on behalf of the Navy) utilizing active acoustics and towed in-water devices will have at least one watch person during activities.

Watch personnel undertake extensive training in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent, including on the job instruction and a formal Personal Qualification Standard program (or equivalent program for supporting contractors or civilians), to certify that they have demonstrated all necessary skills (such as detection and reporting of floating or partially submerged objects). Their duties may be performed in conjunction with other job responsibilities, such as navigating the ship or supervising other personnel. While on watch, personnel employ visual search techniques, including the use of binoculars, using a scanning method in accordance with the U.S. Navy Lookout Training Handbook or civilian equivalent. A primary duty of watch personnel is to detect and report all objects and disturbances sighted in the water that may be indicative of a threat to the ship and its crew, such as debris, or surface disturbance. Per safety requirements, watch personnel also report any marine mammals sighted that have the potential to be in the direct path of the ship as a standard collision avoidance procedure.

The U.S. Navy has coordinated with NMFS to develop an overarching program plan in which specific monitoring would occur. This plan is called the Integrated Comprehensive Monitoring Program (ICMP) (Navy 2011). The ICMP has been developed in direct response to Navy permitting requirements established through various environmental compliance efforts. As a framework document, the ICMP applies by regulation to those activities on ranges and operating areas for which the Navy is seeking or has sought incidental take authorizations. The ICMP is intended to coordinate monitoring efforts across all regions and to allocate the most appropriate level and type of effort based on set of standardized research goals, and in acknowledgement of regional scientific value and resource availability.

The ICMP is focused on Navy training and testing ranges where the majority of Navy activities occur regularly as those areas have the greatest potential for being impacted. ONR's Arctic Research Activities in comparison is a less intensive test with little human activity present in the Arctic. Human presence is limited to a minimal amount of days for possible towed source operations and source deployments, in contrast to the large majority (≤95%) of time that the sources will be left behind and operate autonomously. Therefore, a dedicated monitoring project is not warranted.

ONR previously conducted experiments in the Beaufort Sea as part of the Canadian Basin Acoustic Propagation Experiments (CANAPE) project in 2016 and 2017. The goal of the CANAPE project was to determine the fundamental limits to the use of acoustic methods and signal processing imposed by ice and ocean processes in the changing Arctic. The CANAPE project included ten moored receiver arrays (frequencies ranging from 200 Hz to 16 kHz) that recorded 24 hours per day for one year. Recordings from the CANAPE arrays are currently being compiled and analyzed by Defense Research and Development Canada, University of Delaware, and Woods Hole Oceanographic Institute (WHOI). Researchers from WHOI are planning to do marine mammal analysis of the recordings, including density estimation. ONR is planning to release the marine mammal data collected from the CANAPE receivers to other researchers.

As part of the proposed Arctic Research Activities, ONR is considering deploying a moored receiver array similar to those used in CANAPE. The receiver array would be deployed during the SODA research cruises in 2018 and be recovered one year later. While a single array is a modest effort compared to the ten arrays used in CANAPE, it would provide new marine mammal monitoring data for the 2018–2019 time frame. The array would be deployed at one of the locations labeled on Figure 1–1 of the IHA application. There would be no active sources associated with the array. The deployment of the single array in 2018 depends on the load capacity of the dock used by ONR and is not yet certain. If ONR is able to deploy the array in 2018, the recordings would be shared alongside the CANAPE data.

The Navy is committed to documenting and reporting relevant aspects of research and testing activities to verify implementation of mitigation, comply with permits, and improve future environmental assessments. If any injury or death of a marine mammal is observed during the 2018–19 Arctic Research Activities, the Navy will immediately halt the activity and report the incident to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS. The following information must be provided:

- Time, date, and location of the discovery;
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal(s) was discovered (*e.g.,* during use of towed acoustic sources, deployment of moored or drifting sources, during on-ice experiments, or by transiting vessel).

ONR will provide NMFS with a draft exercise monitoring report within 90 days of the conclusion of the proposed activity. The draft exercise monitoring report will include data regarding acoustic source use and any mammal sightings or detection will be documented. The report will include the estimated number of marine mammals taken during the activity. The report will also include information on the number of shutdowns recorded. If no comments are received from NMFS within 30 days of submission of the draft final report, the draft final report will constitute the final report. If comments are received, a final report must be submitted within 30 days after receipt of comments.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact 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'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their

impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Underwater acoustic transmissions associated with the Arctic Research Activities, as outlined previously, have the potential to result in Level B harassment of beluga whales, ringed seals, and bearded seals in the form of TTS and behavioral disturbance. No serious injury, mortality, or Level A harassment are anticipated to result from this activity.

Minimal takes of marine mammals by Level B harassment would be due to TTS since the range to TTS effects is small at only 50 m or less while the behavioral effects range is significantly larger extending up to 20 km (Table 6). TTS is a temporary impairment of hearing and can last from minutes or hours to days (in cases of strong TTS). In many cases, however, hearing sensitivity recovers rapidly after exposure to the sound ends. Though TTS may occur in a single ringed seal, the overall fitness of the individual seal is unlikely to be affected and negative impacts to the entire stock of ringed seals are not anticipated.

Effects on individuals that are taken by Level B harassment could include alteration of dive behavior, alteration of foraging behavior, effects to breathing rates, interference with or alteration of vocalization, avoidance, and flight. More severe behavioral responses are not anticipated due to the localized, intermittent use of active acoustic sources. Most likely, individuals will simply be temporarily displaced by moving away from the sound source. As described previously in the behavioral effects section, seals exposed to non-impulsive sources with a received sound pressure level within the range of calculated exposures (142–193 dB re 1 μPa), have been shown to change their behavior by modifying diving activity and avoidance of the sound source (Götz *et al.,* 2010; Kvadsheim *et al.,* 2010). Although a minor change to a behavior may occur as a result of exposure to the sound sources associated with the proposed action, these changes would be within the normal range of behaviors for the animal (*e.g.,* the use of a breathing hole further from the source, rather than one closer to the source, would be within the normal range of behavior). Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in fitness for the affected individuals, and would not result in any adverse impact to the stock as a whole.

The project is not expected to have significant adverse effects on marine mammal habitat. While the activities may cause some fish to leave the area of disturbance, temporarily impacting marine mammals' foraging opportunities, this would encompass a relatively small area of habitat leaving large areas of existing fish and marine mammal foraging habitat unaffected. Icebreaking may temporarily affect the availability of pack ice for seals to haul out but the proportion of ice disturbed is small relative to the overall amount of available ice habitat. Icebreaking will not occur during the time of year when ringed seals are expected to be within subnivean lairs or pupping (Chapskii 1940; McLaren 1958; Smith and Stirling 1975). As such, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No injury, serious injury, or mortality is anticipated or authorized;
- Impacts will be limited to Level B harassment;
- Minimal takes by Level B harassment will be due to TTS; and
- There will be no permanent or significant loss or modification of marine mammal prey or habitat.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Unmitigable Adverse Impact Analysis and Determination

Impacts to subsistence uses of marine mammals resulting from the proposed action are not anticipated. The closest active acoustic source within the study area is approximately 141 mi (227 km) from land, outside of known subsistence use areas. Based on this information, NMFS has preliminarily determined that there will be no unmitigable adverse impact on subsistence uses from ONR's proposed activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (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, in this case with the NMFS Alaska Regional Office (AKR), whenever we propose to authorize take for endangered or threatened species.

NMFS is proposing to authorize take of ringed seals and bearded seals, which are listed under the ESA. The Permits and Conservation Division has requested initiation of Section 7 consultation with the Protected Resources Division of AKR for the issuance of this IHA. NMFS will conclude the ESA consultation prior to reaching a determination regarding the proposed issuance of the authorization.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to ONR for conducting Arctic Research Activities in the Beaufort and Chukchi Seas, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Incidental Harassment Authorization (IHA) is valid from September 15, 2018 through September 14, 2019.

2. This IHA is valid only for use of active acoustic sources and icebreaking associated with the Arctic Research Activities project in the Beaufort and Chukchi Seas.

3. General Conditions.

(a) A copy of this IHA must be in the possession of the ONR, its designees, and work crew personnel operating under the authority of this IHA.

(b) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species and associated authorized take numbers shown below:

(i) 92 beluga whales (*Delphinapterus leucas*);

(ii) 1 bearded seal (*Erignathus barbatus*);

(iii) 3,071 ringed seals (*Pusa hispida hispida*).

(c) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition

3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

4. Mitigation Measures.

The holder of this Authorization is required to implement the following mitigation measures:

(a) All ships operated by or for the Navy are required to have personnel assigned to stand watch at all times while underway.

(b) For all towed active acoustic sources, ONR must implement a minimum shutdown zone of 200 yards (183 meters (m)) radius from the source. If a marine mammal comes within or approaches the shutdown zone, such operations must cease.

(i) Active transmission may recommence if any one of the following conditions are met:

A. The animal is observed exiting the shutdown zone;

B. The animal is thought to have exited the shutdown zone based on its course and speed and relative motion between the animal and the source;

C. The shutdown zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds or 30 minutes for cetaceans; or

D. The ship has transited more than 400 yards (366 m) beyond the location of the last sighting.

(c) During mooring deployment, ONR is required to implement a shutdown zone of 60 yards (55 m) around the deployed mooring. Deployment must cease if a marine mammal comes within or approaches the shutdown zone.

(i) Deployment may recommence if any one of the following conditions are met:

A. The animal is observed exiting the shutdown zone;

B. The animal is thought to have exited the shutdown zone based on its course and speed; or

C. The shutdown zone has been clear from any additional sightings for a period of 15 minutes for pinnipeds or 30 minutes for cetaceans.

(d) Ships must avoid approaching marine mammals head-on and must maneuver to maintain an exclusion zone of 500 yards (457 m) around observed whales and 200 yards (183 m) from observed pinnipeds, provided it is safe to do so.

(e) All personnel conducting on-ice experiments, as well as all aircraft operating in the study area, must maintain a separation distance of 1,000 ft (305 m) from any sighted pinniped.

(f) If a species for which authorization has not been granted or for which authorization has been granted but the take limit has been met approaches or enters the Level B harassment zone, activities must cease and the Navy must contact the Office of Protected Resources, NMFS.

5. Monitoring.

The holder of this Authorization is required to conduct marine mammal monitoring during Arctic Research Activities.

(a) While underway, all ships utilizing active acoustics and towed in-water devices are required to have at least one person on watch during all activities.

(b) During deployment of moored sources, visual observation must begin 30 minutes prior to deployment and continue through 30 minutes after the source deployment.

6. Reporting.

The holder of this Authorization is required to:

(a) Submit a draft report on all monitoring conducted under the IHA within 90 calendar days of the completion of marine mammal monitoring. The report must include data regarding acoustic source use and any marine mammal sightings, as well as the total number of marine mammals taken during the activity. If no comments are received from NMFS within 30 days of submission of the draft final report, the draft final report will constitute the final report. If comments are received, a final report must be submitted within 30 days after receipt of comments.

(b) Report injured or dead marine mammals. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, ONR must immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the Alaska Regional Stranding Coordinator, NMFS. The Navy must provide NMFS with the following information:

A. Time, date, and location of the discovery;

B. Species identification (if known) or description of the animal(s) involved;

C. Condition of the animal(s) (including carcass condition if the animal is dead);

D. Observed behaviors of the animal(s), if alive;

E. If available, photographs or video footage of the animal(s); and

F. General circumstances under which the animal(s) was discovered (*e.g.,* during use of towed acoustic sources, deployment of moored or drifting sources, during on-ice experiments, or by transiting vessel).

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed Arctic Research Activities. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA;
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements; and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: August 7, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–17227 Filed 8–13–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG133

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Port of Kalama Expansion Project on the Lower Columbia River

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS received a request from the Port of Kalama (POK) to issue an incidental harassment authorization (IHA) previously issued to the POK to incidentally take three species of marine mammal, by Level B harassment only, during construction activities associated with an expansion project at the Port of Kalama on the Lower Columbia River, Washington. The current IHA was issued in 2017 and is in effect until August 31, 2018 (2017–2018 IHA). However, the project has been delayed such that none of the work covered by the 2017–2018 IHA has been initiated and, therefore, the POK requested that an IHA be issued to conduct their work beginning on or about September 1, 2018 (2018–2019 IHA). NMFS is seeking public comment on its proposal to issue the 2018–2019 IHA to cover the incidental take analyzed and authorized in the 2017–2018 IHA. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to POK to incidentally take, by Level B harassment, small numbers of marine mammals during the specified activities. The authorized take numbers and related analyses would be the same as for the 2017–2018 IHA, and the required mitigation, monitoring, and reporting would remain the same as authorized in the 2017–2018 IHA referenced above. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorization and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than September 13, 2018.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to *ITP.Youngkin@noaa.gov.*

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities* without change. All personal identifying information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

An electronic copy of the proposed and final Authorization issued in 2017 and supporting material along with an updated IHA request memo from POK may be obtained by visiting *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Dale Youngkin, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. 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 incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable [adverse] impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity.'' The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

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), NMFS prepared an Environmental Assessment (EA) to consider the direct, indirect and cumulative effects to the human environment resulting from our action (issuance of an IHA for incidental take of marine mammals due to the POK Expansion project). NMFS made the EA available to the public for review and comment in order to assess the impacts to the human environment of issuance of the 2017–2018 IHA to the POK. Also in compliance with NEPA and the CEQ regulations, as well as NOAA Administrative Order 216–6, NMFS signed a Finding of No Significant Impact (FONSI) on October 24, 2016 for issuance of the 2017–2018 IHA. These NEPA documents are available at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.*

Since this IHA covers the same work covered in the 2017–2018 IHA, NMFS has reviewed our previous EA and FONSI, and has preliminarily

determined that this action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review. We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the 2018–2019 IHA request.

History of Request

On September 28, 2015, we received a request from the POK for authorization of the taking, by Level B harassment only, of marine mammals incidental to the construction associated with the Port of Kalama Expansion Project, which involved construction of the Kalama Marine Manufacturing and Export Facility including a new marine terminal for the export of methanol, and installation of engineered log jams, restoration of riparian wetlands, and the removal of existing wood piles in a side channel as mitigation activities. The specified activity is expected to result in the take of three species of marine mammals (harbor seals, California sea lions, and Steller sea lions). A final version of the application, which we deemed adequate and complete, was submitted on December 10, 2015. We published a notice of a proposed IHA and request for comments on March 21, 2016 (81 FR 715064). After the public comment period and before we issued the final IHA, POK requested that we issue the IHA for 2017 instead of the 2016 work season. We subsequently published the final notice of our issuance of the IHA on December 12, 2016 (81 FR 89436), effective from September 1, 2017–August 31, 2018. In-water work associated with the project was expected to be completed within the one-year timeframe of the IHA.

On June 21, 2018, POK informed NMFS that work relevant to the specified activity considered in the MMPA analysis for the 2017–2018 IHA was postponed and would not be completed. POK requested that the IHA be issued to be effective for the period from September 1, 2018–August 31, 2019. In support of that request, POK submitted an application addendum affirming that no change in the proposed activities is anticipated and that no new information regarding the abundance of marine mammals is available that would change the previous analysis and findings.

Description of the Activity and Anticipated Impacts

The 2017–2018 IHA covered the construction of a marine terminal and dock/pier for the export of methanol, and associated compensatory mitigation activities for the purposes of offsetting habitat effects from the action. The marine terminal will be approximately 45,000 square feet in size, supported by 320 concrete piles (24-inch precast octagonal piles to be driven by impact hammer) and 16 steel piles (12 x 12-inch and 4 x 18-inch anticipated to be driven by vibratory hammer, and impact hammering will only be done to drive/proof if necessary). The compensatory mitigation includes installation of 8 engineered log jams (ELJs), which will be anchored by untreated wooden piles driven by impact hammer at low tides (not in water). The compensatory mitigation also includes removal of approximately 320 untreated wooden piles from an abandoned U.S. Army Corps of Engineers (USACE) dike in a nearby backwater area. The piles will be removed either by direct pull or vibratory extraction. Finally, the compensatory mitigation includes wetland restoration and enhancement by removal of invasive species and replacement with native wetland species.

NMFS refers the reader to the documents related to the 2017–2018 IHA for more detailed description of the project activities. These previous documents include the **Federal Register** notice of the issuance of the 2017–2018 IHA for the POK's Port of Kalama Expansion Project (81 FR 89436, December 12, 2016), the **Federal Register** notice of the proposed IHA (81 FR 15064, March 21, 2016), POK's application (and 2018 application addendum), and all associated references.

Detailed Description of the Action—A detailed description of the pile driving activities at the Port of Kalama is found in these previous documents and the updated 2018–2019 IHA application addendum. The location, timing (*e.g.,* 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 **Federal Register** notices referenced above.

Description of Marine Mammals—A description of the marine mammals in the area of the activities is found in the previous documents referenced above, which remain applicable to this IHA as well. In addition, NMFS has reviewed recent Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature. Since the submittal of the 2015 IHA application, the USACE has published updated data on pinniped presence at the Bonneville Dam (Tidwell *et al.,* 2017). This information reveals that in both 2016 and 2017 the numbers of pinnipeds present at Bonneville Dam were within the range of historical variability. The latest USACE data does not suggest a trend that would require a modification to the take estimates or to the effects analysis (see Table 1 below for a summary of monitoring data by year from Tidwell *et al.,* 2017). Therefore, NMFS has preliminarily determined that the updated information does not affect our analysis of impacts for the 2018–2019 IHA.

TABLE 1—MINIMUM ESTIMATED NUMBER OF INDIVIDUAL PINNIPEDS OBSERVED AT BONNEVILLE DAM TAILRACE AREAS AND THE HOURS OF OBSERVATION DURING THE FOCAL SAMPLING PERIOD, 2002 TO 2017

[From Tidwell *et al.,* 2017]

Year	Total hours observed	California sea lions	Steller sea lions	Harbor seals	Total pinnipeds
2002	662	30	0	1	31
2003	1,356	104	3	2	109
2004	516	99	3	2	104
2005*	1,109	81	4	1	86
2006	3,650	72	11	3	86
2007	4,433	71	9	2	82
2008	5,131	82	39	2	123

TABLE 1—MINIMUM ESTIMATED NUMBER OF INDIVIDUAL PINNIPEDS OBSERVED AT BONNEVILLE DAM TAILRACE AREAS AND THE HOURS OF OBSERVATION DURING THE FOCAL SAMPLING PERIOD, 2002 TO 2017—Continued

[From Tidwell *et al.,* 2017]

Year	Total hours observed	California sea lions	Steller sea lions	Harbor seals	Total pinnipeds
2009	3,455	54	26	2	82
2010	3,609	89	75	2	166
2011	3,315	54	89	1	144
2012	3,404	39	73	0	112
2013	3,247	56	80	0	136
2014	2,947	71	65	1	137
2015	2,995	195	[a] 69	0	264
2016	1,974	149	[a] 54	0	203
2017	1,142	92	[a] 63	1	156

* Observations did not begin until March 18 in 2005.

[a] In 2015, 2016, and 2017 the minimum estimated number of Steller sea lions was 55, 41, and 32, respectively. These counts were less than the maximum number of Steller sea lions observed on one day, so Tidwell *et al.* (2017) used the maximum number observed on one day as the minimum number. This difference was driven by a focus on California sea lions and lack of branding or unique markers on Steller sea lions.

Potential Effects on Marine Mammals—A description of the potential effects of the specified activities on marine mammals and their habitat is found in the previous documents referenced above, and remain applicable to this proposed IHA. There is no new information on potential effects that would change our analyses or determinations under the 2018–2019 IHA.

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 the previous documents referenced above. The methods of estimating take for this proposed IHA are identical to those used in the 2017–2018 IHA, as is the density of marine mammals. The source levels, also remain unchanged from the 2017–2018 IHA, and NMFS' 2016 Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (NMFS 2016) was used to address new acoustic thresholds in the notice of issuance of the 2017–2018 IHA (see Table 2 for NMFS User Spreadsheet inputs). As stated above, since the submittal of the application for the 2017–2018 IHA (in effect from September 1, 2017 through August 31, 2018), the USACE has published updated data on pinniped presence at the Bonneville Dam, and this data does not suggest a trend that would require a modification to the take estimates or effects analysis. Consequently, the proposed authorized Level B harassment take for this proposed 2018–2019 IHA is identical to the 2017–2018 IHA, as presented in Table 3 below. However, the originally issued IHA did not authorize any Level A harassment take. As harbor seals are smaller and may be more difficult to detect at larger Level A harassment zones, and to account for the potential that they may be unseen/may linger longer than expected, a small number of takes by Level A harassment is currently being proposed.

TABLE 2—INPUTS FOR NMFS USER SPREADSHEET

Input parameter	Vibratory pile driving (steel)	Impact pile driving (steel)	Impact pile driving (concrete)
Weighting Factor Adjustment [1]	2.5	2	2.
Source Level (SL) [2]	170	178	166.
Duration	1 hour	1 hour	1 hour.
Strikes per pile		1,025	1,025.
Piles per day [3]	1 (1 hour duration)	(1 pile/hour)	(1 pile/hour).
Propagation (xlogR)	15	15	15.
Distance from SL measurement	10	10	10.

[1] In instances where full auditory weighting functions associated with the SEL_{cum} metric cannot be applied, NMFS has recommended the default, single frequency weighting factor adjustments (WFAs) provided here. As described in Appendix D of NMFS' Technical Guidance (NMFS, 2016), the intent of the WFA is to broadly account for auditory weighting functions below the 95 frequency contour percentile. Use of single frequency WFA is likely to over-predict Level A harassment distances.

[2] SLs from CalTrans (2012). SL for all steel piles are based on 18″ steel pipe (4 of the piles are 18″ and 12 of the piles are 12″).

[3] A 1-hour duration was used as there are no haul-outs in the project area. Animals are transiting through the project area, and are not anticipated to be present for a full 8-hour day of pile driving activity. POK estimates 6–8 piles/day, or approximately 1 pile/hour. Animals are anticipated to be present for the duration of 1 pile being driven (1 hour) at most.

TABLE 3—ESTIMATED TAKE PROPOSED FOR AUTHORIZATION AND PROPORTION OF POPULATION POTENTIALLY AFFECTED

	Estimated take by Level B harassment	Estimated take by Level A harassment	Abundance of stock	Percentage of stock potentially affected	Population trend
Harbor seal	1,530	10	24,732	6.2	Stable.
California sea lion	372	0	153,337	0.2	Stable.
Steller sea lion	372	0	59,968	0.6	Increasing.

Description of Mitigation, Monitoring and Reporting Measures—A description of mitigation, monitoring, and reporting measures is found in the previous documents referenced above, and remain unchanged for this proposed IHA. In summary, mitigation includes implementation of shut down procedures if any marine mammal approaches or enters the Level A harassment zone for pile driving (16.5 m [54 ft] for vibratory pile driving of steel piles; 40 m [131 ft] for impact driving of concrete piles; and 252 m [828 ft] for impact driving of steel piles) and for in-water heavy machinery work other than pile driving (*e.g.* standard barges, barge-mounted cranes, excavators, etc.), if a marine mammal comes within 10 m operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. One trained observer shall monitor to implement shutdowns and collect information at each active pile driving location (whether vibratory or impact driving of steel or concrete piles).

At least three observers shall be on duty during impact driving at all times. As discussed above, one observer shall monitor and implement shutdowns and collect information at each pile driving location at all times. In addition, two shore-based observers (one upstream of the project and another downstream of the project), whose primary responsibility shall be to record pinnipeds in the Level B harassment zone and to alert the barge-based observer to the presence of pinnipeds, thus creating a redundant alert system for prevention of injurious interaction as well as increasing the probability of detecting pinnipeds in the disturbance zone. At least three observers shall be on duty during vibratory pile driving activity for the first two days, and thereafter on every third day to allow for estimation of Level B takes. Similar to requirements for impact driving, the first observer shall be positioned on a work platform or barge where the entirety of the shutdown zone can be monitored. Shore based observers shall be positioned to observe the disturbance zone from the bank of the river. Protocols will be implemented to ensure that coordinated communication of sightings occurs between observers in a timely manner.

Pile driving activities shall only be conducted during daylight hours. If the shutdown zone is obscured by fog or poor lighting conditions, pile driving will not be initiated until the entire shutdown zone is visible. Work that has been initiated appropriately in conditions of good visibility may continue during poor visibility. The shutdown zone will be monitored for 30 minutes prior to initiating the start of pile driving, during the activity, and for 30 minutes after activities have ceased. If pinnipeds are present within the shutdown zone prior to pile driving, the start will be delayed until the animals leave the shutdown zone of their own volition, or until 15 minutes elapse without re-sighting the animal(s).

Soft start procedures shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact driving for a period of thirty minutes or longer. If steel piles require impact installation or proofing, a bubble curtain will be used for sound attenuation. If water velocity is 1.6 feet per second (1.1 miles per hour) or less for the entire installation period, the pile being driven will be surrounded by a confined or unconfined bubble curtain that will distribute small air bubbles around 100 percent of the pile perimeter for the full depth of the water column. If water velocity is greater than 1.6 feet per second (1.1 miles per hour) at any point during installation, the pile being driven will be surrounded by a confined bubble curtain (*e.g.,* a bubble ring surrounded by a fabric or non-metallic sleeve) that will distribute air bubbles around 100 percent of the pile perimeter for the full depth of the water column.

Determinations

The POK proposes to conduct activities in 2018–2019 that are identical to those covered in the currently 2017–2018 IHA. As described above, the number of estimated takes of the same stocks of harbor seals (OR/WA Coast stock), California sea lion (U.S. stock), and Steller sea lion (Eastern DPS) is the same for this proposed IHA as those authorized in the 2017–2018 IHA, which were found to meet the negligible impact and small numbers standards. The authorized take of 1,540 harbor seals; 372 California sea lions, and 372 Steller sea lions represent 6.2 percent, 0.2 percent, and 0.6 percent of these stocks of marine mammals, respectively. We evaluated the impacts of the additional authorization of 10 Level A harassment takes of harbor seal, and find that consideration of impacts to these 10 individuals accruing a small degree of PTS does not meaningfully change our analysis, nor does it change our findings/determinations. This proposed IHA includes identical required mitigation, monitoring, and reporting measures as the 2017–2018 IHA, and there is no new information suggesting that our prior analyses or findings should change.

Based on the information contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) The authorized takes will have a negligible impact on the affected marine mammal species or stocks; (2) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (3) the authorized takes represent small numbers of marine mammals relative to the affected species or stock abundances; and (4) the POK'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 (ESA)

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 expected to result from this activity, and none would be authorized. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

NMFS proposes to issue an IHA to POK for in-water construction work activities beginning September 2018 through August 2019, with the proposed mitigation, monitoring, and reporting requirements. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

The Port of Kalama (POK), 110 West Marine Drive, Kalama, Washington, 98625, is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107 to take marine mammals, by harassment, incidental to conducting in-water construction work for the Port of Kalama Expansion Project contingent upon the following conditions:

1. This Authorization is valid from September 1, 2018 through August 31, 2019

2. (a) Timing of Activities Anticipated to Result in Take of Marine Mammals:

In-water construction/pile installation (including installation and removal of temporary piles for construction) shall be conducted between September 1, 2018 and January 31, 2019.

(b) Timing of Activities Not Anticipated to Result in Take of Marine Mammals

(i) Dredging would be conducted between September 1, 2017 and December 31, 2017

(ii) Construction/installation of engineered log jams (ELJ) may be conducted year-round

(iii) Construction that will take place below the Ordinary High Water Mark (OHWM), but outside of the wetted perimeter of the river (in the dry) may be conducted year-round

(iv) Removal of wooden piles from former trestle in the freshwater intertidal backwater channel portion of the project site (compensatory mitigation measure of removal of 157 wooden piles) may be conducted year-round.

3. This Authorization is valid only for activities associated with in-water construction work for the Port of Kalama Expansion Project on approximately 100 acres (including uplands) at the northern end of the Port of Kalama's North Port site (Lat. 46.049, Long. −122.874), located at approximately river mile 72 along the lower Columbia River along the east bank in Cowlitz County, Washington.

4. (a) The species authorized for taking are: Harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), and Steller sea lion (*Eumatopius jubatus*).

(b) The Authorization for taking by harassment is limited to the following acoustic sources and activities:

(i) Impact pile driving; and

(ii) Vibratory pile driving activities (including vibratory removal of temporary construction piles).

(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the National Marine Fisheries Service (NMFS) West Coast Regional Administrator at (206) 526–6150 and the NMFS Chief of the Permits and Conservation Division at (301) 427–8401.

5. The taking is limited to the species listed, and by the numbers listed, under condition 4(a) above. The taking or death of the species identified or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

6. Mitigation

(a) Activities authorized for take of marine mammals by this Authorization must occur only during daylight hours.

(b) A bubble curtain shall be used for sound attenuation if steel piles require impact installation or proofing

(c) Exclusion Zone and Level B Harassment Zones of Influence

(i) Exclusion zones out to 16 m (54 ft) for vibratory driving of steel piles; 40 m (131 ft) for impact driving of concrete piles; 252 m (828 ft) for impact driving of steel piles, encompassing the Level A harassment zones; and 10 m for operation of in-water heavy machinery must be implemented to avoid Level A take of marine mammals due to pile driving and avoid potential for injury or mortality due to operation of heavy machinery.

(ii) Disturbance zones must be established to include 117 m for impact driving of concrete piles; 1,848 m for impact driving of steel piles; and the full line of sight (maximum of 5.7 km) for vibratory driving of steel piles.

(d) Monitoring of marine mammals must take place starting 30 minutes before pile driving begins and must continue until 30 minutes after pile driving ends.

(e) Soft Start

(i) Soft start procedures must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

(ii) Soft start procedures require that the contractor provides an initial set of three strikes at reduced energy followed by a 30-second waiting period, then two subsequent reduced energy strike sets.

(f) Shutdown Measures

(i) POK must implement shutdown measures if a marine mammal is sighted within, or is perceived to be approaching, the exclusion zones identified in 6(c)(i) above and the associated construction or pile driving activities shall immediately cease. Pile driving or in-water construction work will not be resumed until the exclusion zone has been observed as being clear of marine mammals for at least 15 minutes.

(ii) If marine mammals are present within the exclusion zones established in 6(c)(i) above prior to the start of in-water construction activities, these activities would be delayed until the animals leave the exclusion zone of their own volition, or until 15 minutes elapse without resighting the animal, at which time it may be assumed that the animal(s) have left the exclusion zone.

7. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during all in-water construction work. Monitoring and reporting shall be conducted in accordance with the Monitoring Plan.

(a) Marine Mammal Observers—POK shall employ observers to conduct marine mammal monitoring for its construction project. Observers shall have the following minimum qualifications:

(i) Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with the ability to estimate target size and distance. Use of binoculars may be necessary to correctly identify the target.

(ii) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience).

(iii) Experience or training in the field identification of the marine mammals that could potentially be encountered.

(iv) Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations.

(v) Writing skills sufficient to prepare a report of observations that will include such information as the number and types of marine mammals observed; the behavior of marine mammals in the project area during construction; the dates and times when observations were conducted; the dates and times when in-water construction activities were conducted; the dates and times when marine mammals were present at or within the defined disturbance zone; and the dates and times when in-water construction activities were suspended to avoid incidental harassment by disturbance from construction noise.

(vi) Ability to communicate orally, by radio or in person, with project personnel to provide real time information on marine mammals observed in the area.

(b) Individuals meeting the minimum qualifications identified in 7(a), above, shall be present on site (on land or dock/barge) at all times during pile driving activities conducted for the project.

(c) During all impact pile driving activities, observers will be stationed to allow a clear line of sight of the exclusion zone (10 m [33 ft] for all in-water heavy machinery operations except for pile driving; the entirety of the Level A harassment zone, and the entire disturbance zone for pile driving activity, as identified in 6(c)(i).

(d) Marine mammal observers will monitor for the first two days of vibratory pile driving, and thereafter on every third day of vibratory pile driving. Monitoring will be conducted by three observers during vibratory pile driving

activities. One observer will be stationed in the general vicinity of the pile being driven and will have clear line of sight views of the entire inner harbor. Another observer will be stationed at an accessible location downstream (such as northern tip of Prescott Beach County Park) and would observe the northern (downstream) portion of the disturbance zone. A third observer will be stationed at an accessible location upstream and would observe the southern (upstream) portion of the disturbance zone.

(e) Marine mammal observers will scan the waters within each monitoring zone activity using binoculars (Vector 10 X 42 or equivalent), spotting scopes (Swarovski 20–60 zoom or equivalent; Washington Department of Fish and Wildlife 2000), and visual observation.

(f) Marine mammal presence within the Level B harassment zones of influence (disturbance zones) will be monitored, but pile driving activity will not be stopped if marine mammals are found present unless they enter or approach the exclusion zone. Any marine mammal observed within the disturbance zone will be documented and counted as a Level B take. Monitoring during vibratory pile driving will occur during the first two days of activity and during every three days thereafter to estimate the number of individuals present within the Level B harassment area.

(g) If waters exceed a sea-state which restrict the observers' ability to make observations within the Level A injury exclusion zone, relevant activities will cease until conditions allow the resumption of monitoring. Vibratory pile installation would continue under these conditions.

(h) The waters will be scanned 30 minutes prior to commencing pile driving activities and during all pile driving activities. If marine mammals enter or are observed within the designated exclusion zones during, or 15 minutes prior to, impact pile driving, the monitors will notify the on-site construction manager to not begin, or cease, work until the animal(s) leave of their own volition, or have not been observed within the zone for 15 minutes.

8. Reporting

(a) POK shall provide NMFS with a draft monitoring report within 90 days of the expiration of this Authorization, or within conclusion of the construction work, whichever comes first. This report shall detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

(b) If comments are received from NMFS (West Coast Regional Administrator or NMFS Office of Protected Resources) on the draft report within 30 days, a final report shall be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS within 30 days after receipt of the draft report, the draft report will be considered final.

(c) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury, or mortality (Level A take), POK shall immediately cease all operations and immediately report the incident to the NMFS Chief of the Permits and Conservation Division, Office of Protected Resources and the NMFS West Coast Regional Stranding Coordinators. The report must include the following information:

(i) Time, date, and location (latitude and longitude) of the incident;

(ii) Description of the incident;

(iii) Status of all sound sources used in the 24 hours preceding the incident;

(iv) Environmental conditions (wind speed, wind direction, sea state, cloud cover, visibility, water depth);

(v) Description of the marine mammal observations in the 24 hours preceding the incident;

(vi) Species identification or description of the animal(s) involved;

(vii) The fate of the animal(s); and

(viii) Photographs or video footage of the animal(s), if equipment is available.

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with POK to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. POK may not resume their activities until notified by NMFS via letter, email, or telephone.

(d) In the event that POK discovers an injured or dead marine mammal, and the marine mammal observer determines that the cause of injury or death is unknown and the death is relatively recent (less than a moderate state of decomposition), POK will immediately report the incident to the NMFS Chief of Permits and Conservation Division, Office of Protected Resources, and the NMFS West Coast Regional Stranding Coordinator. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with POK to determine whether modifications in the activities are appropriate.

(e) In the event that POK discovers an injured or dead marine mammal, and the marine mammal observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), POK shall report the incident to the NMFS Chief of Permits and Conservation Division, Office of Protected Resources, and the NMFS West Coast Regional Stranding Coordinator within 24 hours of the discovery. POK shall provide photographs or video footage (if available) or other documentation of the stranded animal(s) to NMFS and the Marine Mammal Stranding Network. POK may continue its operations under such a case.

Request for Public Comments

We request comment on our analyses, the draft authorization, and any other aspect of this Notice of Proposed IHA for the proposed POK construction activities. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned, or (2) the activities would not be completed by the time the IHA expires and renewal would allow completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA;
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.,* reduction in pile size) that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements; and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized;

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS

determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: August 8, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–17387 Filed 8–13–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of federal advisory committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Board of Visitors, National Defense University (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board's charter is being renewed in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). The Board's charter and contact information for the Board's Designated Federal Officer (DFO) can be found at *http://www.facadatabase.gov/*.

The Board provides the Secretary of Defense and the Deputy Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, and the President of the National Defense University (NDU), independent advice and recommendations on accreditation compliance, organizational management, strategic planning, resource management, and other matters of interest to the NDU in fulfilling its mission. Additionally, the Board provides an assessment of University leadership, fulfilling essential Middle States Accreditation compliance.

The Board shall be composed of no more than 12 members, appointed in accordance to DoD policies and procedures. The members shall be eminent authorities in the fields of defense, management, leadership, academia, national military strategy or joint planning at all levels of war, joint doctrine, joint command and control, or joint requirements and development. Each Board member is appointed to provide advice to the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The public or interested organizations may submit written statements to the Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: August 9, 2018.

Shelly Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–17453 Filed 8–13–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0060]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Temporary Expansion of Public Service Loan Forgiveness (TE–PSLF)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 13, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0060. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Temporary Expansion of Public Service Loan Forgiveness (TE–PSLF).

OMB Control Number: 1845–0151.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 10,899.

Total Estimated Number of Annual Burden Hours: 4,380.

Abstract: This is the request for the 30 public comment period for OMB Information Collection 1845–0151. This collection is used to enable FSA to ensure that the required operation changes can be implemented to allow for the benefits to be available to federal student loan borrowers as well as to remain in compliance with the statutory requirements.

Section 315 of Title III, Division H in the Consolidation Appropriations Act,

2018, (Pub. L. 115–141) included a provision for ED to implement ''. . . a simple method for borrowers to apply for loan cancellation . . .'' under a temporary expansion of the Public Service Loan Forgiveness (PSLF) program. The Consolidation Appropriations Act, 2018, required ED to implement an application process within 60 days of enactment. ED is requesting public comment on this collection to use information obtained from federal student loan borrowers to make a determination of their eligibility for participation in the loan forgiveness program mandated by the new appropriations law. This loan forgiveness is only available to Direct Loan borrowers who otherwise qualify for the PSLF program and meet other new requirements.

Dated: August 9, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–17430 Filed 8–13–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2016–FSA–0011]

Privacy Act of 1974; System of Records

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Chief Operating Officer for Federal Student Aid (FSA) of the U.S. Department of Education (Department) publishes this notice to modify the system of records entitled ''Health Education Assistance Loan (HEAL) Program'' (18–11–20), last published in the **Federal Register** on January 23, 2017.

Under the Consolidated Appropriations Act, 2014 and the Public Health Service Act, the authority to administer the HEAL program, including servicing, collecting, and enforcing any loans made under the program that remain outstanding, was transferred from the Secretary of Health and Human Services to the Secretary of Education on July 1, 2014, the date of the enactment of the Consolidated Appropriations Act, 2014.

The HEAL program system of records covers records for all activities that the Department carries out with regard to servicing, collecting, and enforcing Federal student loans made under the Public Health Service Act that remain outstanding. The HEAL program system also contains records of transactions performed by the Department to carry out the purposes of this system of records.

DATES: Submit your comments on this modified system of records notice on or before September 13, 2018.

In general, this modified system of records will become applicable upon publication in the **Federal Register** on August 14, 2018, unless the modified system of records notice needs to be changed as a result of public comment. New and significantly modified routine uses (1)(m), (2), (4), (6), (10), (11), (13), (14), (15), (16), and (17) in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become applicable on the expiration of the 30-day period of public comment on September 13, 2018, unless the modified system of records notice needs to be changed as a result of public comment. The Department will publish any significant changes to the modified system of records notice that result from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this modified system of records, address them to: Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Business Operations, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Union Center Plaza (UCP), Room 44F1, Washington, DC 20202–5454.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Valerie Sherrer, Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Business Operations, Federal Student Aid, U.S. Department of Education, UCP, 830 First Street NE, Room 44F1, Washington, DC 20202–5454. Telephone number: (202) 377–3547.

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

SUPPLEMENTARY INFORMATION:

Introduction

Under division H, title V, section 525 of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76) and title VII, part A, subpart I of the Public Health Service Act, the authority to administer the HEAL program, including servicing, collecting, and enforcing any loans made under the program that remain outstanding, was transferred from the Secretary of Health and Human Services to the Secretary of Education on July 1, 2014, the date of the enactment of the Consolidated Appropriations Act, 2014.

The HEAL program system of records covers records for all activities that the Department carries out with regard to servicing, collecting, and enforcing Federal student loans made under title VII, part A, subpart I of the Public Health Service Act that remain outstanding. The HEAL program system also contains records of transactions performed by the Department to carry out the purposes of this system of records.

The Department published a notice of a modified system of records in the **Federal Register** on January 23, 2017 (82 FR 7807–7812) proposing to revise a programmatic routine use and to include a Defaulted Borrowers website as a location where the Department may

publish the names of defaulted HEAL program borrowers. In addition, the Department added or made conforming changes both to the programmatic routine uses to make them consistent with the routine uses that the Department uses in its other system of records notice for the servicing and collection of Federal student aid and to the standard routine uses to make them consistent with those used in most other Department systems of records notices.

This notice makes a number of needed updates and additions to this previous version of the system of records notice, which include: Revising the paragraph on the system's security classification to indicate that this system is not classified; updating the paragraph on system location to reference the current location of the system; revising programmatic purpose (13), and removing former programmatic purpose (15); and modifying the information regarding disclosures to consumer reporting agencies to specify which information will be disclosed.

The section entitled ''RECORD SOURCE CATEGORIES'' has been updated to include information obtained from other Federal agencies and from other persons or entities to which records may be disclosed as described in the routine uses set forth in the system of records notice.

This notice updates the section entitled ''POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS'' to reflect the current Department records retention and disposition schedule covering records in this system.

This notice is modifying the safeguards to remove reference to implementation guidance when this system of records was under the Department of Health and Human Services (HHS) at the previous system location.

This notice is also revising the record access, contesting, and notification procedures to explicitly indicate which necessary particulars individuals are required to provide to the system manager.

This notice also removes former programmatic routine use 1(o), routine use (3) ''Disclosure for Use by Other Law Enforcement Agencies,'' and routine use (16) ''Disclosures to Third Parties through Computer Matching Programs;'' adds citations to authorizing statutes in routine uses 1(i) and 13; revises routine uses 1(m) to remove language referencing disclosures to update information or correct errors contained in Department records, (2) to remove guaranty agencies and their authorized representatives as entities to which the Department may disclose records, (4) to insert the word ''person'' in place of the word ''individual'', (6) to standardize it with other language used by the Department to permit disclosures of records from its systems of records where they are relevant and necessary to employee grievances, complaints, or disciplinary actions, (10) to remove the reference to ''Privacy Act safeguards as required under 5 U.S.C. 552(m)'' to now require that all contractors agree to maintain safeguards to protect the security and confidentiality of the records in the system, (11) to remove the requirement for a researcher to maintain ''Privacy Act safeguards'' with respect to the disclosed records and instead adding a requirement that a researcher must maintain safeguards to protect the security and confidentiality of the disclosed records, (13) to include reference to the Congressional Budget Office as an entity to which the Department may disclose records to, (14) to replace references of ''compromise'' with references to ''breach'' to be compliant OMB's requirements as set forth in OMB M–17–12, (16) to allow disclosures to subcontractors of Federal or State agencies and their agents and to the judicial or legislative branches of the United States, and (17) to remove language that specified that the Department may elect to reestablish a Defaulted Borrowers website, or a similar website; adds routine use (15) ''Disclosure in Assisting another Agency in Responding to a Breach of Data.''

Pursuant to the requirements of Office of Management and Budget Circular No. A–108, the Department has also added a section entitled ''HISTORY.''

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

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

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

Dated: August 9, 2018.

James F. Manning,

Acting Chief Operating Officer, Federal Student Aid.

For the reasons discussed in the preamble, the Chief Operating Officer of Federal Student Aid (FSA), U.S. Department of Education (Department or ED), publishes a notice of a modified system of records to read as follows:

SYSTEM NAME AND NUMBER:

Health Education Assistance Loan (HEAL) Program (18–11–20).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Dell Perot Systems, 2300 West Plano Parkway, Plano, TX 75075–8247. (This is the location for the HEAL program Virtual Data Center (VDC)).

SYSTEM MANAGER(S):

Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Business Operations, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 44F1, UCP, Washington, DC 20202–5454. Telephone: (202) 377–3547.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintenance of the system includes sections 701 and 702 of the Public Health Service Act, as amended (PHS Act) (42 U.S.C. 292 and 292a), which authorize the establishment of a Federal program of student loan insurance; section 715 of the PHS Act (42 U.S.C. 292n), which directs the Secretary of Education to require institutions to provide information for each student who has a loan; section 709(c) of the PHS Act (42 U.S.C. 292h(c)), which authorizes disclosure and publication of HEAL defaulters; the Debt Collection Improvement Act (31 U.S.C. 3701 and 3711–3720E); and the Consolidated Appropriations Act, 2014, Div. H, title V, section 525 of Public Law 113–76, which transferred the authority to administer the HEAL program from the Secretary of Health and Human Services (HHS) to the Secretary of Education.

PURPOSE(S) OF THE SYSTEM:

The information maintained in this system of records is used for the following purposes:

(1) To verify the identity of an individual;

(2) To determine program benefits;

(3) To enforce the conditions or terms of a loan;

(4) To service, collect, assign, adjust, transfer, refer, or discharge a loan;

(5) To counsel a borrower in repayment efforts;

(6) To investigate possible fraud or abuse or verify compliance with any applicable statutory, regulatory, or legally binding requirement;

(7) To locate a delinquent or defaulted borrower or an individual obligated to repay a loan;

(8) To prepare a debt for litigation, provide support services for litigation on a debt, litigate a debt, or audit the results of litigation on a debt;

(9) To prepare for, conduct, enforce, or assist in the conduct or enforcement of a Medicare Exclusion of the individual in default on a HEAL loan;

(10) To ensure that program requirements are met by HEAL program participants;

(11) To verify whether a debt qualifies for discharge, cancellation, or forgiveness;

(12) To conduct credit checks or respond to inquiries or disputes arising from information on the debt already furnished to a credit-reporting agency;

(13) To investigate complaints;

(14) To refund credit balances to the individual or loan holder;

(15) To report to the Internal Revenue Service (IRS) information required by law to be reported, including, but not limited to, reports required by 26 U.S.C. 6050P and 6050S;

(16) To compile and generate managerial and statistical reports; and

(17) To carry out the statutory requirement to compile and publish a list of the HEAL program borrowers who are in default.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The HEAL program system covers recipients of HEAL program loans that remain outstanding. This system also contains records on HEAL program loans that are paid in full.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each HEAL recipient record contains the borrower's name, contact information (such as email address and telephone number), area of practice, Social Security number (SSN) or other identifying number, birth date, demographic background, educational status, loan location and status, and financial information about the individual for whom the record is maintained. Each loan record contains lender and school identification information.

RECORD SOURCE CATEGORIES:

Record source categories include individual loan recipients, HEAL schools, lenders, holders of HEAL loans and their agents, HHS, and other Federal agencies. Information in this system also may be obtained from other persons or entities to which records may be disclosed as described in the routine uses set forth below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the information in the record was collected. These disclosures may be made on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement. Return information that the Department obtains from the Internal Revenue Service (IRS) (*i.e.,* taxpayer mailing address) under the authority in 26 U.S.C. 6103(m)(2) or (m)(4) may be disclosed only as authorized by 26 U.S.C. 6103.

(1) Program Disclosures. The Department may disclose records for the following program purposes:

(a) To verify the identity of the individual whom records indicate has received the loan, disclosures may be made to HEAL program participants, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; educational and financial institutions; present and former employers; collection agencies; creditors; consumer reporting agencies; adjudicative bodies; and the individual whom the records identify as the party obligated to repay the debt;

(b) To determine program benefits, disclosures may be made to HEAL program participants, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; educational and financial institutions; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(c) To enforce the conditions or terms of the loan, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(d) To permit servicing, collecting, assigning, adjusting, transferring, referring, or discharging a loan, disclosures may be made to HEAL program participants; educational institutions, or financial institutions that made, held, serviced, or have been assigned the debt, and their authorized representatives; a party identified by the debtor as willing to advance funds to repay the debt; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(e) To counsel a borrower in repayment efforts, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; and Federal, State, or local agencies, and their authorized representatives;

(f) To investigate possible fraud or abuse or verify compliance with any applicable statutory, regulatory, or legally binding requirement, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(g) To locate a delinquent or defaulted borrower, or an individual obligated to repay a loan, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(h) To prepare a debt for litigation, to provide support services for litigation on a debt, to litigate a debt, or to audit the results of litigation on a debt, disclosures may be made to HEAL program participants, and their authorized representatives; Federal, State, or local agencies, and their

authorized representatives; and adjudicative bodies;

(i) To prepare for, conduct, enforce, or assist in the conduct or enforcement of a Medicare exclusion action in accordance with 42 U.S.C. 1320a–7(b)(14), disclosures may be made to HEAL program participants; educational or financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; and adjudicative bodies;

(j) To ensure that HEAL program requirements are met by HEAL program participants, disclosures may be made to HEAL program participants; educational or financial institutions, and their authorized representatives; auditors engaged to conduct an audit of a HEAL program participant or of an educational or financial institution; Federal, State, or local agencies, and their authorized representatives; accrediting agencies; and adjudicative bodies;

(k) To verify whether a debt qualifies for discharge, forgiveness, or cancellation, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; consumer reporting agencies; and adjudicative bodies;

(l) To conduct credit checks or to respond to inquiries or disputes arising from information on the debt already furnished to a credit reporting agency, disclosures may be made to credit reporting agencies; HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; creditors; and adjudicative bodies;

(m) To investigate complaints, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives; present and former employers; creditors; credit reporting agencies; and adjudicative bodies;

(n) To refund credit balances that are processed through the Department's systems, as well as the U.S. Department of the Treasury's (Treasury's) payment applications, to the individual or loan holder, disclosures may be made to HEAL program participants; educational and financial institutions, and their authorized representatives; Federal, State, or local agencies, and their authorized representatives; private parties, such as relatives and business and personal associates; present and former employers; and creditors;

(o) To report information required by law to be reported, including, but not limited to, reports required by 26 U.S.C. 6050P and 6050S, disclosures may be made to the IRS; and

(p) To allow the Department to make disclosures to governmental entities at the Federal, State, local, or Tribal levels regarding the practices of Department contractors who have been provided with access to the HEAL program system with regards to all aspects of loans made under the HEAL program, in order to permit these governmental entities to verify the contractors' compliance with debt collection, financial, and other applicable statutory, regulatory, or local requirements. Before making a disclosure to these Federal, State, local, or Tribal governmental entities, the Department will require them to maintain safeguards to protect the security and confidentiality of the disclosed records.

(2) Feasibility Study Disclosure. The Department may disclose information from this system of records to other Federal agencies to determine whether pilot matching programs should be conducted by the Department for purposes such as to locate a delinquent or defaulted debtor or to verify compliance with program regulations.

(3) Enforcement Disclosure. In the event that information in this system of records indicates, either alone or in connection with other information, a violation or potential violation of any applicable statutory, regulatory, or legally binding requirement, the Department may disclose the relevant records to an entity charged with the responsibility for investigating or enforcing those violations or potential violations.

(4) Litigation and Alternative Dispute Resolution (ADR) Disclosure.

(a) Introduction. In the event that one of the parties listed in sub-paragraphs (i) through (v) is involved in judicial or administrative litigation or ADR, or has an interest in such litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components;

(ii) Any Department employee in his or her official capacity;

(iii) Any Department employee in his or her individual capacity where the Department of Justice (DOJ) has been requested to or agrees to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the Department requests representation for or has agreed to represent the employee; and

(v) The United States, where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) Disclosure to the DOJ. If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) Adjudicative Disclosure. If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to a person or an entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) Disclosure to Parties, Counsel, Representatives, and Witnesses. If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(5) Employment, Benefit, and Contracting Disclosure.

(a) For Decisions by the Department. The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) For Decisions by Other Public Agencies and Professional Organizations. The Department may disclose a record to a Federal, State, local, or other public authority or professional organization, in connection

with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) Employee Grievance, Complaint, or Conduct Disclosure. If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action involving a present or former employee of the Department, the Department may disclose a record in this system of records in the course of investigation, fact-finding, or adjudication, to any party to the grievance, complaint or action; to the party's counsel or representative; to a witness; to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(7) Labor Organization Disclosure. The Department may disclose a record from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of a labor organization recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(8) Freedom of Information Act (FOIA) and Privacy Act Advice Disclosure. The Department may disclose records to the DOJ or to the Office of Management and Budget (OMB) if the Department determines that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA or the Privacy Act.

(9) Disclosure to the DOJ. The Department may disclose records to the DOJ, or the authorized representative of DOJ, to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(10) Contracting Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department will require the contractor to agree to establish and maintain safeguards to protect the security and confidentiality of the records in the system.

(11) Research Disclosure. The Department may disclose records to a researcher if an official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to agree to maintain safeguards to protect the security and confidentiality of the disclosed records.

(12) Congressional Member Disclosure. The Department may disclose the records of an individual to a Member of Congress in response to an inquiry from the Member made at the written request of that individual whose records are being disclosed. The Member's right to the information is no greater than the right of the individual who requested the inquiry.

(13) Disclosure to OMB for Credit Reform Act (CRA) Support. The Department may disclose records to OMB or the Congressional Budget Office as necessary to fulfill CRA requirements in accordance with 2 U.S.C. 661b.

(14) Disclosure in the Course of Responding to a Breach of Data. The Department may disclose records to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(15) Disclosure in Assisting another Agency in Responding to a Breach of Data. The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(16) Disclosure of Information to Treasury. The Department may disclose records from this system to (a) a Federal or State agency, its employees, agents (including contractors or subcontractors of its agents), or contractors or subcontractors, (b) a fiscal or financial agent designated by the Treasury, including employees, agents, or contractors of such agent, or (c) the judicial or legislative branches of the United States, as defined in paragraphs (2) and (3), respectively, in 18 U.S.C. 202(e), for the purpose of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a State in a State-administered, federally funded program.

(17) Disclosure of Defaulted Debtors in **Federal Register** Publication. In accordance with the directive in 42 U.S.C. 292h(c), ED must publish in the **Federal Register** a list of borrowers who are in default on a HEAL loan. The Department will publish the names of the defaulted borrowers, last known city and State, area of practice, and amount of HEAL loan in default. The Department will publish the information about the borrower, as well as the names, in order to correctly identify the person in default and to provide relevant information to the authorized recipients of this information, such as State licensing boards and hospitals.

(18) Disclosure of Defaulted Debtors to Other Authorized Parties. In accordance with the directive in 42 U.S.C. 292h(c)(2), disclosure of borrowers who are in default on a HEAL loan may be made to relevant Federal agencies, schools, school associations, professional and specialty associations, State licensing boards, hospitals with which a HEAL loan defaulter may be associated, or other similar organizations.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) (as set forth in 31 U.S.C. 3711(e)): Disclosures may be made from this system to ''consumer reporting agencies,'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Improvement Act (31 U.S.C. 3701(a)(3)). Disclosures may only be made regarding a valid, overdue claim of the Department; such information is limited to: (1) The name, address, taxpayer identification number, and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures

contained in 31 U.S.C. 3711(e). The purpose of these disclosures is to provide an incentive for debtors to repay delinquent Federal Government debts by making these debts part of their credit records.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in database servers, file folders, compact discs, digital versatile discs, and magnetic tapes.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by SSN or other identifying number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

All records are retained and disposed of in accordance with Department records schedule, National Archives and Records Administration (NARA) disposition authority DAA–0441–2017–002 (''FSA Health Education Assistance Loan (HEAL) Program Online Processing System (HOPS)''). Records shall be destroyed seven years after cutoff. Cutoff is annually upon final payment or discharge of the loan.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

All users of the HEAL System will have a unique user ID with a password. All physical access to the data housed within the VDC is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention with firewalls, encryption, and password protection. This security system limits data access to Department and contract staff on a ''need-to-know'' basis, and controls individual users' ability to access and alter records within the system.

RECORD ACCESS PROCEDURES:

If you wish to gain access to your record in the system of records, provide the System Manager with necessary particulars such as your name, date of birth, SSN, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Requests by an individual for access to a record must meet the requirements of the regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of your record in the system of records, provide the System Manager with necessary particulars such as your name, date of birth, SSN, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. You must also provide a reasonable description of the record, specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant. Requests by an individual to amend a record must meet the requirements of the regulations in 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to determine whether a record exists about you in the system of records, provide the System Manager with necessary particulars such as your name, date of birth, SSN, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Your request must meet the requirements of the regulations in 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The system of records entitled ''Health Education Assistance Loan (HEAL) Program'' (18–11–20) was previously maintained by the HHS, at which time it was entitled ''Health Education Assistance On-Line Processing System (HOPS)'' (09–15–0044). HHS last published that system of records in the **Federal Register** on February 1, 2010 (75 FR 5094–5097). The system was modified in the transfer from HHS to the Department. The Department published a revised system of records notice in the **Federal Register** on June 26, 2014 (79 FR 36299–36302), changing the name and numbering of the system of records to the ''Health Education Assistance Loan (HEAL) program'' (18–11–20). The Department published a notice of a modified system of records in the **Federal Register** on January 23, 2017 (82 FR 7807–7812) Through this notice, the Department modifies the January 23, 2017, notice of a modified system of records and republishes in full the HEAL program system of records notice in the required format found in OMB Circular No. A–108, issued on December 23, 2016.

[FR Doc. 2018–17512 Filed 8–13–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and in accordance with Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Electricity Advisory Committee's (EAC) charter has been renewed for a two-year period beginning on August 8, 2018.

The Committee will provide advice and recommendations to the Assistant Secretary for Electricity on programs to modernize the Nation's electric power system.

Additionally, the renewal of the EAC has been determined to be essential to conduct Department of Energy business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Matt Rosenbaum, Designated Federal Officer at (202) 586–1060.

Issued at Washington, DC, on August 8, 2018.

Wayne D. Smith,

Committee Management Officer.

[FR Doc. 2018–17436 Filed 8–13–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 18–78–LNG]

Corpus Christi Liquefaction Stage III, LLC; Application for Long-Term Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on June 29, 2018, by Corpus Christi Liquefaction Stage III, LLC (CCL Stage III), a wholly owned subsidiary of Cheniere Energy, Inc. The Application requests long-term, multi-contract authorization to export domestically produced liquefied natural

gas (LNG) in a volume equivalent to 582.14 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (1.59 Bcf per day). CCL Stage III seeks to export this LNG from the proposed natural gas liquefaction and export facilities (Stage 3 LNG Facilities) associated with the Stage 3 Project at the existing Corpus Christi LNG Terminal in San Patricio and Nueces Counties, Texas. CCL Stage III requests authorization to export this LNG to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). CCL Stage III notes that, in DOE/FE Order No. 3638, DOE previously authorized the export of LNG from the Corpus Christi LNG Terminal by its affiliates—Corpus Christi Liquefaction, LLC and Cheniere Marketing, LLC—to non-FTA countries in a volume equivalent to 767 Bcf/yr of LNG. CCL Stage III seeks to export the requested volume of LNG on its own behalf and as agent for other entities who hold title to the natural gas at the time of export. CCL Stage III requests the authorization for a 20-year term to commence on the earlier of the date of first commercial export of LNG produced by the Stage 3 LNG Facilities or seven years from the issuance of the requested authorization. CCL Stage III filed the Application under section 3 of the Natural Gas Act (NGA). Additional details and related procedural history can be found in CCL Stage III's Application, posted on the DOE/FE website at: *https://www.energy.gov/sites/prod/files/2018/07/f53/18-78-LNG.pdf*.

Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, October 15, 2018.

ADDRESSES:

Electronic Filing by Email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Benjamin Nussdorf or Larine Moore, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–7970; (202) 586–9478

Cassandra Bernstein or Ronald (R.J.) Colwell, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793; (202) 586–8499

SUPPLEMENTARY INFORMATION:

DOE/FE Evaluation

In the Application, CCL Stage III requests authorization to export LNG from the proposed Stage 3 LNG Facilities to both FTA countries and non-FTA countries. This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE/FE will review CCL Stage III's request for a FTA export authorization separately pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).

In reviewing CCL Stage III's request for a non-FTA authorization, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider one or more of the following studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets,* conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study); [1]
- *The Macroeconomic Impact of Increasing U.S. LNG Exports,* conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study); [2] and
- *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports,* conducted by NERA Economic Consulting on behalf of DOE (2018 LNG Export Study).[3]

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014); [4] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States,* 79 FR 32260 (June 4, 2014).[5]

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 60 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

[1] The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: *https://www.eia.gov/analysis/requests/fe/*.

[2] The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: *http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf*.

[3] The 2018 LNG Export Study, dated June 7, 2018, is available at: *https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf*. DOE is currently evaluating public comments received on this Study (83 FR 27314).

[4] The Addendum and related documents are available at: *https://www.energy.gov/sites/prod/files/2014/08/f18/Addendum.pdf*.

[5] The Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states*.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 18–78–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 18–78–LNG. PLEASE NOTE: If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Signed in Washington, DC, on August 7, 2018.

Shawn Bennett,

Deputy Assistant Secretary, Office of Oil and Natural Gas.

[FR Doc. 2018–17437 Filed 8–13–18; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0318; FRL–9980–23–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Request for Contractor Access to TSCA CBI (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): Request for Contractor Access to TSCA CBI (EPA ICR No. 1250.11, OMB Control No. 2070–0075). This is a request to renew the approval of an existing ICR, which is currently approved through August 31, 2018. EPA did not receive any relevant comments in response to the previously provided public review opportunity issued in the **Federal Register** of December 19, 2017. With this submission to OMB, EPA is providing an additional 30 days for public review and comment.

DATES: Comments must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OPPT–2017–0318, to both EPA and OMB as follows:

- *To EPA online using http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Brandon Mullings, Environmental Assistance Division (7507–M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–4826; email address: *mullings.brandon@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 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.*

ICR status: This ICR is currently scheduled to expire on August 31, 2018. Under OMB regulations, an agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. Under PRA, 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 OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the information collection activities associated with the Agency's for allowing contractors to handle Toxic Substances Control Act (TSCA) Confidential Business Information (CBI). Certain employees of companies working under contract to EPA require access to CBI collected under the authority of TSCA in order to perform their official duties. All individuals desiring access to TSCA CBI must obtain and annually renew official clearance to access the TSCA CBI. As part of the process for obtaining TSCA CBI clearance, EPA requires certain information about the contracting company and about each contractor employee requesting TSCA CBI clearance, primarily the name, Social Security Number and EPA identification badge number of the employee, the type of TSCA CBI clearance requested, the justification for such clearance, and the

signature of the employee to an agreement with respect to access to and use of TSCA CBI. This information collection applies to the reporting activities associated with contractor personnel applying for new or renewed clearance for TSCA CBI.

Responses to the collection of information are voluntary but failure to provide the requested information will prevent a contractor employee from obtaining clearance to access TSCA CBI. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Form Numbers: EPA Form No. 7740–06.

Respondents/affected entities: Entities potentially affected by this ICR are companies under contract to EPA to provide certain services, whose employees must have access to TSCA CBI to perform their duties.

Estimated number of respondents: 21 (total).

Frequency of response: Annual.

Total estimated burden: 341 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $19,305 (per year), which includes $0 annualized capital investment or maintenance and operational costs.

Changes in the estimates: There is a decrease of 142 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA's a decrease in the number of contractor employees that need TSCA CBI clearance. This change is an adjustment.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–17438 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0006; FRL–9981–10]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), main telephone number: (703) 305–7090, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not

proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov*.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petitions so that the public has an opportunity to comment on these requests for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petitions may be obtained through the petition summaries referenced in this unit.

III. Amended Tolerances

1. *PP 8E8665.* (EPA–HQ–OPP–2018–0162). Interregional Research Project No. 4 (IR–4), IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend 40 CFR 180.566 by removing the established tolerances for residues of fenpyroximate determined by measuring only the sum of fenpyroximate, (E)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene]amino]oxy]methyl] benzoate and its Z-isomer, (Z)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene]amino]oxy]methyl] benzoate, calculated as the stoichiometric equivalent of fenpyroximate in or on the raw agricultural commodities: Bean, snap, succulent at 0.40 parts per million (ppm); cotton, undelinted seed at 0.10 ppm; cucumber at 0.40 ppm; nut, tree, group 14 at 0.10 ppm; and pistachio at 0.10 ppm. An enforcement method has been developed which involves extraction of fenpyroximate and the M–1 Metabolite from crops with ethyl acetate in the presence of anhydrous sodium sulfate, dilution with methanol, and then analysis by high performance LC/MS/MS. The method has undergone independent laboratory validation as required by PR Notice 88–5 and 96–1. *Contact:* RD.

2. *PP 8F8668.* (EPA–HQ–OPP–2018–0207). Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709 requests to amend a tolerance in 40 CFR 180 for residues of the herbicide glufosinate-ammonium, in or on the raw agricultural commodities olive at 0.50 ppm; soybean hulls at 10.0 ppm; stone fruit (Crop Group 12–12) at 0.30 ppm; and tree nuts (Crop Group 14–12) at 0.50 ppm. The LC/MS/MS method is used to measure and evaluate the chemical glufosinate-ammonium (ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-monoammonium salt) and its metabolites, 2-acetamido-4-methylphosphinico-butanoic acid and 3-methylphosphinico-propionic acid, expressed as 2-amino-4-(hydroxymethylphosphinyl) butanoic acid equivalents. *Contact:* RD.

IV. New Tolerance Exemptions for Inerts (Except PIPS)

PP IN–11127. (EPA–HQ–OPP–2018–0289). Spring Trading Company on behalf of Akzo Nobel Surface Chemistry LLC, 525 West Van Buren, Chicago, IL 60607–3823 requests to establish an exemption from the requirement of a tolerance for residues of maltodextrin-vinylpyrrolidone copolymer (CAS Reg. No. 1323833–56–2), when used as an inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance.

V. New Tolerances for Non-Inerts

1. *EPA Registration Numbers:* 59639–97, 59639–193, 59639–206, 59639–207. *Docket ID number:* EPA–HQ–OPP–2017–0333. *Applicant:* Valent U.S.A. Corporation. *Active ingredient:* Flumioxazin. *Product type:* Herbicide. *Proposed use:* Grass, forage; grass, hay. *Contact:* RD.

2. *PP 8E8665.* (EPA–HQ–OPP–2018–0162). IR–4, IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances for residues of fenpyroximate determined by measuring only the sum of fenpyroximate, (E)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methyl ene]amino]oxy]methyl]benzoate and its Z-isomer, (Z)-1,1-dimethylethyl 4-[[[[(1,3-dimethyl-5-phenoxy-1H-pyrazol-4-yl)methylene]amino]oxy]methyl] benzoate, calculated as the stoichiometric equivalent of fenpyroximate in or on the raw agricultural commodities: Banana at 1.0 ppm; blackeyed pea, succulent shelled at 0.40 ppm; broad bean, succulent shelled at 0.40 ppm; bushberry subgroup 13–07B at 3.0 ppm; caneberry subgroup 13–07A at 3.0 ppm; chickpea, succulent shelled at 0.40 ppm; cottonseed subgroup 20C at 0.10 ppm; cowpea, succulent shelled at 0.40 ppm; crowder pea, succulent shelled at 0.40 ppm; goa bean, pods, succulent shelled at 0.40 ppm; lablab bean, succulent shelled at 0.40 ppm; leaf petiole vegetable subgroup 22B at 4.0 ppm; lima bean, succulent shelled at 0.40 ppm; nut, tree, group 14–12 at 0.10 ppm; southern pea, succulent shelled at 0.40 ppm; soybean, edible, succulent shelled at 0.40 ppm; squash/cucumber subgroup 9B at 0.40 ppm; succulent bean, succulent shelled at 0.40 ppm; and velvet bean, succulent shelled at 0.40 ppm. An enforcement method has been developed which involves extraction of fenpyroximate and the M–1 Metabolite from crops with ethyl acetate in the presence of anhydrous sodium sulfate, dilution with methanol, and then analysis by high performance liquid chromatography using tandem mass spectrometric detection (LC/MS/MS). The method has undergone independent laboratory validation as required by PR Notice 88–5 and 96–1. *Contact:* RD.

3. *PP 8E8687.* (EPA–HQ–OPP–2018–0424). Mitsui Chemicals Agro, Inc., c/o Landis International, Inc, P.O. Box 5126, Valdosta, GA 31603–5126, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, dinotefuran (N-methyl-N′-nitro-N″-[(tetrahydro-3-furanyl)methyl)] guanidine) and metabolites DN (1-methyl-3-(tetrahydro-3-furymethyl)guanidine) and UF (1-methyl-3-(tetrahydro-3-furymethyl)-urea), in or on persimmon at 2 ppm. The High-Performance Liquid Chromatograph-Mass Spectrometer (LC–MS/MS) is used to measure and evaluate the chemical dinotefuran. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: July 23, 2018.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–17450 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2008–0707; FRL–9981–65–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Data Reporting Requirements for State and Local Vehicle Emission Inspection and Maintenance (I/M) Programs (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Data Reporting Requirements for State and Local Vehicle Emission Inspection and Maintenance (I/M) Programs (EPA ICR No.1613.06, OMB Control No. 2060–0252) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through October 31, 2018. Public comments were previously requested via the **Federal Register** on April 11, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may 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: Additional comments may be submitted on or before September 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2008–0707, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dave Sosnowski, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105; telephone number: 734–214–4823; fax number: 734–214–4052; email address: *sosnowski.dave@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 20460. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Clean Air Act section 182 and EPA's regulations (40 CFR part 51, subpart S) establish the requirements for state and local I/M programs that are included in state implementation plans (SIPs). To provide general oversight and support to these programs, EPA requires that state agencies with basic and enhanced I/M programs collect two varieties of reports for submission to the Agency:

- An annual report providing general program operating data and summary statistics, addressing the program's current design and coverage, a summary of testing data, enforcement program efforts, quality assurance and quality control efforts, and other miscellaneous information allowing for an assessment of the program's relative effectiveness; and
- A biennial report on any changes to the program over the two-year period and the impact of such changes, including any deficiencies discovered and corrections made or planned.

General program effectiveness is determined by the degree to which a program misses, meets, or exceeds the emission reductions committed to in the state's approved SIP, which, in turn, must meet or exceed the minimum emission reductions expected from the relevant performance standard, as promulgated under 40 CFR part 51, subpart S, in response to requirements established in section 182 of the Clean Air Act. This information is used by EPA to determine a program's progress toward meeting requirements under 40 CFR part 51, subpart S, and to provide background information in support of program evaluations. Additional information regarding the current renewal of this ICR as well as previous renewals can be found in Docket ID No. EPA–HQ–OAR–2008–0707.

Form numbers: None.

Respondents/affected entities: State I/M program managers.

Respondent's obligation to respond: Mandatory (40 CFR 51.366).

Estimated number of respondents: 28 (total).

Frequency of response: Annual and biennial.

Total estimated burden: 2,408 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $152,544 (per year), includes $0 annualized capital or operation and maintenance costs.

Changes in estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–17444 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2018–0065; FRL–9981–87–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Drug Testing for Contractor Employees (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Drug Testing for Contractor Employees (EPA ICR No. 2183.07, OMB Control No. 2030–0044), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2018. Public comments were previously requested via the **Federal Register** on May 11, 2018, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may 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: Additional comments may be submitted on or before September 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OARM–2018–0065, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to

oei.docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Thomas Valentino, Policy, Training and Oversight Division, Office of Acquisition Management (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–4522; email address: *valentino.thomas@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This ICR applies to a contractor who performs response services at sensitive sites with serious security concerns where the Agency and public interest would best be protected through drug testing of contractor employees. The contractor will test employees for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), and any other controlled substances. Only contractor employees who have been tested within the previous 90 calendar days and have passing drug test results may be directly engaged in on-site response work and/or on-site related activities at designated sites with significant security concerns. The Agency may request contractors responding to any of these types of incidents to conduct drug testing and apply Government-established suitability criteria in Title 5 CFR Administrative Personnel 731.104 *Appointments Subject to Investigation,* 732.201 *Sensitivity Level Designations and Investigative Requirements,* and 736.102 *Notice to Investigative Sources,* when determining whether employees are acceptable to perform on given sites or on specific projects.

Form Numbers: None.

Respondents/affected entities: Private Contractors.

Respondent's obligation to respond: Required to obtain a benefit per Title 5 CFR Administrative Personnel 731.104 *Appointments Subject to Investigation,* 732.201 *Sensitivity Level Designations and Investigative Requirements,* and 736.102 *Notice to Investigative Sources.*

Estimated number of respondents: 500 (total).

Frequency of response: Annual.

Total estimated burden: 1,125 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $129,100 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 112 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is an adjustment due to more awarded contracts/orders performed on sensitive sites that require this drug testing for contractor employees.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–17439 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0102, FRL–9982–09–OEI]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; RCRA Expanded Public Participation (Renewal)

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), RCRA Expanded Public Participation (EPA ICR No. 1688.09, OMB Control No. 2050–0149), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2018. Public comments were previously requested via the **Federal Register** on March 21, 2018 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may 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: Additional comments may be submitted on or before September 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0102, to (1) EPA, either online using *www.regulations.gov* (our preferred method), or by email to *rcra-docket@epa.gov,* or by mail to: RCRA Docket (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Michael Pease, (5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–0008; fax number: 703–308–8433; email address: *pease.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, 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. Section 7004(b) of RCRA gives EPA broad authority to provide for, encourage, and assist public participation in the development, revision, implementation, and enforcement of any regulation, guideline, information, or program under RCRA. In addition, the statute

specifies certain public notices (*i.e.,* radio, newspaper, and a letter to relevant agencies) that EPA must provide before issuing any RCRA permit. The statute also establishes a process by which the public can dispute a permit and request a public hearing to discuss it. EPA carries out much of its RCRA public involvement at 40 CFR parts 124 and 270.

Form numbers: None.

Respondents/affected entities: Businesses and other for-profit.

Respondent's obligation to respond: Mandatory (RCRA 7004(b)).

Estimated number of respondents: 46.

Frequency of response: On occasion.

Total estimated burden: 4,375 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $326,263 (per year), which includes $321,833 annualized labor and $4,430 annualized capital and operation & maintenance costs.

Changes in the estimates: There is a decrease in overall burden for the ICR of 1,239 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to the decrease in the respondent universe from 59 to 46.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–17441 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0099; FRL—9982–13–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Ferroalloys Production Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Ferroalloys Production Area Sources (40 CFR part 63, subpart YYYYYY) (EPA ICR No. 2303.05, OMB Control No. 2060–0625), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0099, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ferroalloys Production Area Sources (40 CFR part 63, subpart YYYYYY) apply to existing and new ferroalloy production facilities that are an area source of hazardous air pollutant (HAP) emissions. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

Form Numbers: None.

Respondents/affected entities: Owners and operators of area source ferroalloys production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart YYYYYY).

Estimated number of respondents: 10 (total).

Frequency of response: Initially, annually, and periodically.

Total estimated burden: 391 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $41,100 (per year), which includes $0 for annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is due to an adjustment. Hours were added to approximate the time spent by each source to familiarize with the rule requirements.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–17440 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA CERCLA Docket No. V–W–18–C–012; FRL–9982–26–Region 5]

Proposed CERCLA/RCRA/TSCA Administrative Settlement Agreement and Covenant Not To Sue; MSC Land Company, LLC, and Crown Enterprises, Inc.; Former McLouth Steel Facility, Trenton and Riverview, Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement and request for public comments.

SUMMARY: The Environmental Protection Agency (EPA) hereby gives notice of a proposed Administrative Settlement Agreement and Covenant Not to Sue (Settlement) pertaining to a 183-acre portion of the former McLouth Steel

facility in Trenton and Riverview, Michigan. EPA also announces a public meeting regarding the Settlement and invites public comment on the Settlement for thirty (30) days following publication of this notice. The Settlement requires MSC Land Company, LLC (''MSC'') to do specified work, meet a demolition requirement that includes demolition of approximately 45 buildings and structures located within the property, and comply with specified property requirements. Satisfying the work and demolition requirements, and complying with the property requirements safeguards human health and the environment by reducing the risk of exposure to certain hazardous wastes and substances.

DATES: Comments must be post marked or received on or before September 13, 2018.

ADDRESSES: The proposed settlement agreement and related site documents can be viewed at the Superfund Records Center, (SRC–7J), United States Environmental Protection Agency, Region 5, 77 W Jackson Blvd., Chicago, IL 60604, (312) 886–4465 and on-line at *www.epa.gov/superfund/mclouth-steel.*

FOR FURTHER INFORMATION CONTACT: Further information or a copy of the Settlement may be obtained from either Steven P. Kaiser, Office of Regional Counsel (C–14J), U.S. Environmental Protection Agency, Region 5, 77 W Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3804 or *kaiser.steven@epa.gov* or Community Involvement Coordinator Kirstin Safakas, Superfund Division (SI–6J), U.S. Environmental Protection Agency, Region 5, 77 W Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6015 or *safakas.kirstin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background Information

In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i) and Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 6973(d), notice is hereby given of a proposed Settlement pertaining to the former McLouth Steel facility in Trenton and Riverview, Michigan with the following settling parties: MSC and Crown Enterprises, Inc. The Settlement requires MSC to perform certain work, meet demolition requirements, and comply with specified property requirements. MSC will also fence and otherwise secure the approximately 183-acre site to prevent direct contact with contaminants and keep out trespassers. Prior to commencement of the work or actions in furtherance of the demolition requirement, MSC will prepare a Traffic Management Plan in consultation with EPA, MDEQ and the Cities of Trenton and Riverview. The work required by MSC includes the removal of contaminated water and sludges from 23 specified subsurface structures; cleaning or removal of the subsurface structures; and filling the subsurface structures with clean fill materials. These actions will reduce migration of contaminants to ground and surface waters. MSC will investigate five areas where PCBs may have been released. If PCBs are found above action levels, MSC will implement defined interim measures to prevent direct contact with PCB-contaminated areas pending further action by either EPA or MSC. MSC will assess options for storm water management to eliminate sheet flow to the Trenton Channel of the Detroit River and summarize its assessment in a stormwater management report that it will submit to EPA and the State. MSC will remain subject to provisions of the Clean Water Act, including requirements to obtain any permits that may be necessary for discharges to waters of the United States. Finally, MSC will demolish to grade approximately 45 buildings and structures including an approximately 1.5 million square foot building along Jefferson Avenue. During demolition, MSC will remove and dispose of all asbestos containing materials encountered in the structures; remove and dispose of all PCB-waste material encountered in the structures; and remove and dispose of all drummed or containerized solid or hazardous wastes in the structures in accordance with State and federal regulations. These actions will also reduce the threat of exposure to hazardous wastes and substances by removing these wastes and substances from the property. Throughout this work, MSC will maintain dust controls to minimize the creation and migration of airborne contaminants.

The Settlement includes an EPA covenant not to sue the settling parties pursuant to either Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607; Section 3008(h) 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6928(h) and 6973; and Sections 7 and 17 of TSCA, 15 U.S.C. Section 2606 and 2616. The Settlement also includes covenants not to sue by the State of Michigan.

II. Opportunity To Comment

A. General Information

EPA intends to hold a public meeting regarding the Settlement in the affected area, in accordance with Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 6973(d). The meeting will be held at the Saint Paul Lutheran Church, Reception Hall, 2550 Edsel Drive, Trenton, Michigan, starting at 6:00 p.m. on Wednesday, September 5, 2018. Representatives of the EPA and MDEQ will attend the public meeting to provide information and answer questions about the Settlement. Formal comments relating to the Settlement will be accepted in oral and written form at the public meeting.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Settlement. The Agency will consider all comments received, and may modify or withdraw its consent to the Settlement if comments received disclose facts or considerations which indicate that the Settlement is inappropriate, improper, or inadequate.

B. Where do I send my comments or view responses?

Your comments should be mailed to Kirstin Safakas, Superfund Division (SI–6J), U.S. Environmental Protection Agency, Region 5, 77 W Jackson Boulevard, Chicago, Illinois 60604, or *safakas.kirstin@epa.gov.* The Agency's response to any comments received will be available for public inspection at the Superfund Records Center.

C. What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit such information to EPA through an agency website or via email. Clearly mark the part or all the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

• Identify the rulemaking by docket number and other identifying information (site name, **Federal Register** date and page number).

• Follow directions—the agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

• Explain why you agree or disagree with the terms of the Settlement; suggest alternatives and substitute language for your requested changes.

• Describe any assumptions and provide any technical information and/or data that you used.

• If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

• Provide specific examples to illustrate your concerns, and suggest alternatives.

• Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

• Make sure to submit your comments by the identified comment period deadline.

Dated: August 3, 2018.

Joan Tanaka,

Acting Director, Superfund Division.

[FR Doc. 2018–17584 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2018–0404; FRL–9981–43]

Certain New Chemical Substances; Receipt and Status Information for May 2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from May 1, 2018 to May 31, 2018.

DATES: Comments identified by the specific case number provided in this document must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2018–0404, and the specific case number for the chemical substance related to your comment, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

• *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Information Management Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from May 1, 2018 to May 31, 2018. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* a chemical substance may be either an ''existing'' chemical substance or a ''new'' chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a ''new chemical substance,'' while a chemical substance that is listed on the TSCA Inventory is classified as an ''existing chemical substance.'' (See TSCA section 3(11).) For more information about the TSCA Inventory go to: *https://www.epa.gov/tsca-inventory.*

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for ''test marketing'' purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more

information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Status Reports

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL–4942–7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices.* This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs received by EPA during this period, Table I provides the following information (to the extent that such information is not subject to a CBI claim) on the notices received by EPA during this period: The EPA case number assigned to the notice that indicates whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.,* domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number. Submissions which are amendments to previous submissions will have a case number followed by the letter ''A'' (*e.g.* P–18–1234A). The version column designates submissions in sequence as ''1'', ''2'', ''3'', etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 5/1/2018 TO 5/31/2018

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0057	4	5/1/2018	CBI	(S) A drier accelerator that is used for superior drying performance in solvent-borne and waterborne air dried paints, inks and coatings.	(S) Vanadium, tris(2-ethylhexanoato-ko)tri-μ-oxotri-, cyclo.
P–18–0162	2	5/8/2018	CBI	(G) Adhesive component	(G) Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol.
P–18–0162A	3	5/16/2018	CBI	(G) Adhesive component	(G) Cashew nutshell liquid, polymer with diisocyanatoalkane, substituted-polyoxyalkyldiol and polyether polyol.
P–18–0163	2	5/7/2018	Cabot Corporation	(S) Pigment Dispersing Aid	(G) Substituted, (4-amino-l-hydroxybutylidene)bis-, sodium salt (1:1), reaction products with epichlorohydrin-trimethylolpropane polymer and maleic anhydride-styrene polymer, sodium salts.

TABLE I—PMN/SNUN/MCANs RECEIVED FROM 5/1/2018 TO 5/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0164	2	5/7/2018	CBI	(S) Pigment Dispersing Aid	(G) Substituted, (4-amino-1-hydroxybutylidene)bis-, sodium salt (1:1), reaction products with 2-[2-[3-(aminomethyl)phenyl]diazenyl]-n-(substitutedphenyl)-3-oxobutanamide, epichlorohydrin-trimethylolpropane polymer and maleic anhydride-styrene polymer, sodium salts.
P–18–0167	2	5/7/2018	Cabot Corporation	(S) Chemical intermediate	(G) Butanamide, 2-[2-[(substitutued phenyl)diazenyl]-n-(2-methoxyphenyl)-3-oxo-.
P–18–0168	1	5/4/2018	CBI	(G) color additive	(G) Alkoxylated triaryl methane.
P–18–0169	3	5/7/2018	C. L. Hauthaway & Sons Corp.	(G) Protective coating	(G) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with dimethyl carbonate, 1,6-hexanediol, diamine and 1,1′-methylenebis[4-isocyanatocyclohexane], acrylate-blocked, compds. with triethylamine.
P–18–0169A	4	5/15/2018	C. L. Hauthaway & Sons Corp.	(G) Protective coating	(G) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with dimethyl carbonate, 1,6-hexanediol, diamine and 1,1′-methylenebis[4-isocyanatocyclohexane], acrylate-blocked, compds. with triethylamine.
P–18–0170	2	5/10/2018	CBI	(G) Textile treatment	(S) 1-propanaminium, n,n′-(oxydi-2,1-ethanediyl)bis[3-chloro-2-hydroxy-n,n-dimethyl-, dichloride.
P–18–0170A	3	5/23/2018	CBI	(G) Textile treatment	(S) 1-propanaminium, n,n′-(oxydi-2,1-ethanediyl)bis[3-chloro-2-hydroxy-n,n-dimethyl-, dichloride.
P–18–0171	1	5/4/2018	CBI	(G) Industrial Inks and coatings	(G) Dialkylamine, reaction products with polyalkylene glycol ether with alkylolalkane acrylate.
P–18–0172	2	5/10/2018	CBI	(S) By function and application i.e. a dispersive dye for finishing polyester fibers) Calcium is an auxiliary drier that is used solely in combination with primary and secondary driers. It can also be used as a pigment wetting agent and loss of dry additive. Calcium itself has no drying effect on binders that dry by oxidation. However, it yields synergistic effects in combination with primary driers such as cobalt, manganese and Borchi OXY-Coat, and with secondary driers such as zirconium. When added during the dispersion, it prevents adsorption of the primary driers by the pigments thereby stabilizing surface dry. Calcium also promotes pigment wetting to improve film gloss. Applications 10% Calcium Cem-All® driers are based on a blend of carboxylate metal salts and are designed for Solventborne coatings only. Calcium driers are used in all oxidatively cured systems, whether air or force dried. They are used in architectural paints, industrial coatings and stains. Dosage In conventional alkyd formulations, the Calcium addition is between 0.03–0.30% metal based on the vehicle solids of the coating and will vary depending upon the composition of the binder. The specific drier blend should be experimentally determined. Higher levels might be needed if added to the dispersion to prevent drier adsorption. Calcium drier can be added to the dispersion and/or in the letdown with other driers.	(S) Calcium, carbonate 2-ethylhexanoate neodecanoate propionate complex.

TABLE I—PMN/SNUN/MCANs RECEIVED FROM 5/1/2018 TO 5/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0172A	3	5/15/2018	CBI	(S) By function and application i.e. a dispersive dye for finishing polyester fibers) Calcium is an auxiliary drier that is used solely in combination with primary and secondary driers. It can also be used as a pigment wetting agent and loss of dry additive. Calcium itself has no drying effect on binders that dry by oxidation. However, it yields synergistic effects in combination with primary driers such as cobalt, manganese and Borchi OXY-Coat, and with secondary driers such as zirconium. When added during the dispersion, it prevents adsorption of the primary driers by the pigments thereby stabilizing surface dry. Calcium also promotes pigment wetting to improve film gloss. Applications 10% Calcium Cem-All® driers are based on a blend of carboxylate metal salts and are designed for Solventborne coatings only. Calcium driers are used in all oxidatively cured systems, whether air or force dried. They are used in architectural paints, industrial coatings and stains. Dosage In conventional alkyd formulations, the Calcium addition is between 0.03–0.30% metal based on the vehicle solids of the coating and will vary depending upon the composition of the binder. The specific drier blend should be experimentally determined. Higher levels might be needed if added to the dispersion to prevent drier adsorption. Calcium drier can be added to the dispersion and/or in the letdown with other driers.	(S) Calcium, carbonate 2-ethylhexanoate neodecanoate propionate complex.
P–18–0172A	4	5/21/18	CBI	(S) By function and application i.e. a dispersive dye for finishing polyester fibers) Calcium is an auxiliary drier that is used solely in combination with primary and secondary driers. It can also be used as a pigment wetting agent and loss of dry additive. Calcium itself has no drying effect on binders that dry by oxidation. However, it yields synergistic effects in combination with primary driers such as cobalt, manganese and Borchi OXY-Coat, and with secondary driers such as zirconium. When added during the dispersion, it prevents adsorption of the primary driers by the pigments thereby stabilizing surface dry. Calcium also promotes pigment wetting to improve film gloss. Applications 10% Calcium Cem-All® driers are based on a blend of carboxylate metal salts and are designed for Solventborne coatings only. Calcium driers are used in all oxidatively cured systems, whether air or force dried. They are used in architectural paints, industrial coatings and stains. Dosage In conventional alkyd formulations, the Calcium addition is between 0.03–0.30% metal based on the vehicle solids of the coating and will vary depending upon the composition of the binder. The specific drier blend should be experimentally determined. Higher levels might be needed if added to the dispersion to prevent drier adsorption. Calcium drier can be added to the dispersion and/or in the letdown with other driers.	(S) Calcium, carbonate 2-ethylhexanoate neodecanoate propionate complex.
P–18–0173	2	5/8/2018	CBI	(S) Thicker for consumer coatings	(G) Poly (oxy1,2-alkydiyl) hydroxy polymer with cyanoato butylalcohol.
P–18–0174	1	5/9/2018	CBI	(G) Oilfield applications	(G) Enzyme.
P–18–0175	1	5/11/2018	Hexion Inc	(S) Food can coating, Non-food contact can coating.	(S) Formaldehyde, polymer with 4-(1,1-dimethylethyl)phenol and phenol, bu ether.
P–18–0176	2	5/17/2018	CBI	(G) Open, non-dispersive use	(G) 5-isobenzofurancarboxylic acid, 1,3-dihydro-1,3-dioxo-, polymer with aminoalcohol, 2,2-dimethyl-1,3-propanediol, 2,5-furandione, polyalkylene glycol and unsaturated anhydride.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 5/1/2018 TO 5/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P–18–0177	1	5/15/2018	Clariant Plastics & Coatings USA Inc.	(S) Lubricant and surface protection agent, Coating and treatment agent for use in agricultural applications.	(S) Waxes and waxy substances, rice bran, oxidized.
P–18–0178	2	5/22/2018	Galata Chemicals LLC.	(S) Stabilizer for PVC	(G) Dialkyltin dialkylcarboxylate.
P–18–0179	1	5/16/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, sodium salt.
P–18–0180	1	5/16/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, potassium salt.
P–18–0181	1	5/16/2018	CBI	(G) Adhesive	(G) Phenol, polymer with formaldehyde and phenolic resin, potassium sodium salt.
P–18–0183	1	5/14/2018	CBI	(S) Curing agent for epoxy coating systems	(G) Benzaldehyde, reaction products with polyalkylenepolyamines, hydrogenated, reaction products with me et ketone.
P–18–0184	1	5/21/2018	Eastman Kodak Company.	(G) Component in printing plates, Coating component.	(G) Halide, bis alkylaromatic, polyaromatic non-metal salt.
P–18–0185	1	5/21/2018	Allnex USA Inc	(S) Adhesion-enhancing resin for wood applications..	(G) Fatty acid, polymer with alkanedioic acid dialkyl ester, hydroxyl alkyl substituted alkanediol, substituted carbomonocycle and alkylol substituted alkane.
P–18–0186	1	5/22/2018	CBI	(G) Fuel additive—destructive use	(G) Polyolefin ester.
P–18–0188	1	5/23/2018	Allnex USA Inc	(S) Adhesion and scratch resistance	(G) Alkyl substituted alkenoic acid, alkyl ester, polymer with alkanediol alkylalkenoate, reaction products with alkenoic acid, isocyanato-(isocyanatoalkyl)-alkyl substituted carbomonocycle and substituted alkanediol.
P–18–0189	1	5/24/2018	Everris NA Inc	(S) Inorganic Fertilizer	(S) Phosphoric acid, potassium salt (2:3), dihydrate (9Cl).
P–18–0192	1	5/29/2018	Archroma U.S., Inc	(S) Optical brightener for use in paper applications..	(G) Benzenesulfonic acid, (alkenediyl)bis[[[(hydroxyalkyl)amino]-(phenylamino)-triazin-2-yl]amino]-, n-(hydroxyalkyl) derivs., salts, compds. with polyalkyl-substituted(alkanol).

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case number assigned to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the type of amendment (*e.g.,* amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCS RECEIVED FROM 5/1/2018 TO 5/31/2018

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J–17–0018	5/1/2018	4/29/2018		(S) Genetically engineered yeast FS-0130.
P–13–0253	5/24/2018	5/18/2018		(G) Tritylated ether.
P–14–0597	5/1/2018	4/27/2018		(G) Neodecanoic acid, compd. with alkyldiamine.
P–15–0442	5/24/2018	10/12/1995		(G) Rare earth doped zirconium oxide.
P–15–0443	5/23/2018	8/1/2009		(G) Rare earth doped zirconium oxide.
P–15–0444	5/24/2018	11/1/1998		(G) Rare earth doped zirconium oxide.
P–15–0445	5/23/2018	2/1/2002		(G) Rare earth doped zirconium oxide.
P–15–0447	5/24/2018	4/1/2000		(G) Rare earth doped zirconium oxide.
P–15–0525	5/22/2018	7/6/1995		(G) Rare earth doped zirconium oxide.
P–15–0526	5/24/2018	8/1/1999		(G) Rare earth doped zirconium oxide.
P–15–0527	5/24/2018	11/1/1998		(G) Rare earth doped zirconium oxide.
P–15–0528	5/24/2018	3/1/2000		(G) Rare earth doped zirconium oxide.
P–16–0310	5/3/2018	4/9/2018		(G) Bisamide mixture.
P–16–0550	5/24/2018	5/8/2018		(G) Alkylamine functionalized methacrylate¿substituted polymer.
P–16–0551	5/24/2018	5/8/2018		(G) Alkylamine functionalized methacrylate¿substituted polymer.
P–16–0555	5/24/2018	3/25/2018		(G) Neutral alcohol functionalized methacrylate¿substituted polymer.
P–16–0556	5/24/2018	5/8/2018		(G) Neutral alcohol functionalized methacrylate¿substituted polymer.
P–16–0557	5/24/2018	5/8/2018		(G) Neutral alcohol functionalized methacrylate¿substituted polymer.
P–16–0558	5/24/2018	3/25/2018		(G) Neutral alcohol functionalized methacrylate¿substituted polymer.
P–16–0560	5/24/2018	5/8/2018		(G) Aromatic functionalized methacrylate¿substituted polymers.

TABLE II—NOCS RECEIVED FROM 5/1/2018 TO 5/31/2018—Continued

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–16–0561	5/24/2018	5/8/2018		(G) Acid salt functionalized methacrylate¿substituted polymers.
P–16–0562	5/24/2018	5/8/2018		(G) Acid functionalized methacrylate¿substituted polymers.
P–16–0563	5/24/2018	5/8/2018		(G) Acid functionalized methacrylate-substituted polymers.
P–16–0564	5/24/2018	5/8/2018		(G) Acid functionalized methacrylate-substituted polymers.
P–16–0565	5/24/2018	5/8/2018		(G) Acid functionalized methacrylate¿substituted polymers.
P–16–0567	5/24/2018	5/8/2018		(G) Alcohol functionalized methacrylate¿substituted polymers.
P–17–0174	5/15/2018	4/29/2018		(S) Siloxanes and silicones, cetyl me, di-me, me 2-(triethoxysilyl)ethyl.
P–17–0271	5/4/2018	4/11/2018		(S) Poly(oxy-1,2-ethanediyl), .alpha.-(2-methyl-2-propen-1-yl)-.omega.-hydroxy-.
P–17–0304	5/22/2018	4/24/2018		(G) Alkylidene dicarbomonocycle, polymer with halo-substituted heteromonocycle and disubstituted alkyl carbomonocycle alkenedioate alkyl alkenoate.
P–17–0361	5/4/2018	5/4/2018		(G) Substituted heteromonocycle, polymer with diisocyanatoalkane and alkanediol, substituted heteromonocycle homopolymer ester with substituted alkyl acrylate-blocked.
P–17–0394	5/25/2018	5/24/2018		(G) Substituted propanoic acid, polymer with alkylisocyanate-substituted carbomonocycle, dialkyl carbonate, hydroxyl alkyl substituted alkanediol, alkanediol, isocyanato substituted carbomonocycle, alkanol substituted amines-blocked, compds. with (alkylamino)alkanol.
P–17–0401	5/21/2018	5/11/2018		(S) Glycolipids, sophorose-contg., candida bombicola-fermented, from c16-18 and c18-unsatd. glycerides and d-glucose, hydrolyzed, sodium salts.
P–17–0402	5/21/2018	5/11/2018		(S) Glycolipids, sophorose-contg., candida bombicola-fermented, from c16-18 and c18-unsatd. glycerides and d-glucose, hydrolyzed, potassium salts.
P–17–0424	5/21/2018	5/21/2018		(S) Benzoic acid, 2-chloro-3-methyl, sodium salt (1:1).
P–17–0425	5/21/2018	5/21/2018		(S) Benzoic acid, 3-chloro-2-methyl-, sodium salt (1:1).
P–17–0426	5/21/2018	5/21/2018		(S) Benzoic acid, 3-chloro-4-methyl-, sodium salt (1:1).
P–17–0427	5/21/2018	5/21/2018		(S) Benzoic acid, 2-chloro-5-methyl-, sodium salt (1:1).
P–17–0428	5/21/2018	5/21/2018		(S) Benzoic acid, 4-chloro-2-methyl-, sodium salt (1:1).
P–17–0429	5/21/2018	5/21/2018		(S) Benzoic acid, 3-fluoro-2-methyl-, sodium salt (1:1).
P–17–0430	5/21/2018	5/21/2018		(S) Benzoic acid, 3-fluoro-4-methyl-, sodium salt (1:1).
P–17–0431	5/21/2018	5/21/2018		(S) Benzoic acid, 4-fluoro-2-methyl-, sodium salt (1:1).
P–17–0432	5/21/2018	5/21/2018		(S) Benzoic acid, 2-fluoro-4-methyl-, sodium salt (1:1).
P–17–0433	5/21/2018	5/21/2018		(S) Benzoic acid, 2-fluoro-3-methyl-, sodium salt (1:1).
P–17–0434	5/21/2018	5/21/2018		(S) Benzoic acid, 2,3,6-trifluoro-, sodium salt (1:1).
P–17–0435	5/21/2018	5/21/2018		(S) Benzoic acid, 2-fluoro-3-(trifluoromethyl)-, sodium salt (1:1).
P–17–0436	5/21/2018	5/21/2018		(S) Benzoic acid, 2-fluoro-4-(trifluoromethyl)-, sodium salt (1:1).
P–17–0437	5/21/2018	5/21/2018		(S) Benzoic acid, 2-fluoro-6-(trifluoromethyl)-, sodium salt (1:1).
P–17–0438	5/21/2018	5/21/2018		(S) Benzoic acid, 3-fluoro-5-(trifluoromethyl)-, sodium salt (1:1).
P–17–0439	5/21/2018	5/21/2018		(S) Benzoic acid, 4-fluoro-3-(trifluoromethyl)-, sodium salt (1:1).
P–17–0440	5/21/2018	5/21/2018		(S) Benzoic acid, 4-fluoro-2-(trifluoromethyl)-, sodium salt (1:1).

TABLE II—NOCS RECEIVED FROM 5/1/2018 TO 5/31/2018—Continued

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P–18–0022	5/10/2018	5/6/2018		(G) Substituted carbomonocycle, polymer with halo substituted heteromonocycle and polyoxyalkylene polymer with alkylenebis [isocyanatocarbomonocycle] bis (carbomonocycle-dicarboxylate), reaction products with alkylamines, hydrolyzed.
P–18–0083	5/17/2018	5/2/2018		(S) 2-propenoic acid, telomers with bu alc.-2-[(2-propen-1-yloxy)methyl] oxirane reaction products, sodium bisulfite and sodium 2-hydroxy-3-(2-propen-1-yloxy)-1-propanesulfonate (1:1), sodium salts, peroxydisulfuric acid ([(ho)s(o)2]2o2) sodium salt (1:2)-initiated.
P–89–0030	5/29/2018	5/24/2018		(S) 2-propenoic acid, 2-methyl-, 7-oxabicyclo[4.1.0]hept-3-ylmethyl ester.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information received by EPA during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 5/1/2018 TO 5/31/2018

Case No.	Received date	Type of test information	Chemical substance
P–18–0047	5/1/2018	Daphnia Magna Reproduction Test (Test Guideline OECD 211).	(S) 1,2-Ethanediol, 1,2-dibenzoate.
P–18–0107	5/2/2018	Particle Size Distribution Test	(G) Alcohol capped polycarbodiimide from diethyldiisocyanatobenzene.
P–17–0115	5/3/2018	Acute oral toxicity in the Rat (OECD 420); and Determination of Skin Irritation Potential using the EPISKIN Reconstructed Human Epidermis Model (OECD 439).	(G) Aminoalkyl alkoxysilane.
P–16–0092	5/7/2018	Non-GLP 96-Hour Static Acute Range-finding Test with the Fathead Minnow (*Pimemphales promelas*) (OECD 203); Toxicity Mitigation by Humic Acid during a Non-GLP 96-Hour Toxicity Static Acute Rangefinding Test with the Fathead Minnow (*Pimephales promelas*) (OECD 203); and Spray Characterization.	(G) Polymeric polyamine.
P–18–0124	5/8/2018	Acute oral toxicity in rats (OECD 423); Acute dermal toxicity in rats (OECD 402); *In Vitro* Eye Irritation (OECD 437 and OECD 492); *In Vitro* Skin Irritation and Corrosion (OECD 431, OECD 435 and OECD 439); *Salmonella typhimurium/Escherichia coli* reverse mutation assay (OECD 471); and Acute inhalation toxicity study in Wistar rats (OECD 403).	(G) alkali nickel oxide.
P–14–0496	5/15/2018	Algal Growth Inhibition Test—Modified to Determine Stimulating Growth Factors.	(G) polyphosphoric acids, 2-[(alkyl-1-oxo-2-propen-1-yl)oxy]ethyl esters, compds. with N-(aminoiminomethyl)urea, polymers with Bu acrylate, N-(hydroxymethyl)-2-propenamide and styrene.
P–18–0060	5/17/2018	Amphoteric Surfactant F–1C: Determination of Vapor Pressure; Amphoteric Surfactant F–1C: Determination of General Physico-Chemical Properties; Amphoteric Surfactant F–1C: Determination of Hazardous Physico-Chemical Properties.	(S) 1-Butanaminium, 4-amino-N-(2-hydroxy-3-sulfopropyl)-N, N-dimethyl-4-oxo-, N-coco alkyl derivs., inner salts.
P–15–0583	5/21/2018	A Bioaccumulation Test with *Lumbriculus variegatus* Using Spiked Sediment (OECD 315).	(G) Butanedioic acid, alkyl amine, dimethylbutyl ester.
P–18–0124	5/21/2018	Supporting information for Acute 90-day Inhalation Study (OECD 403).	(G) alkali nickel oxide.
P–17–0195	5/22/2018	Ready Biodegradability (OECD 301)	(G) 1,3-Propanediol,2-methylene-, substituted.
P–16–0543	5/29/2018	Exposure Monitoring Report	(G) Halogenophosphoric acid metal salt.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: August 7, 2018.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–17451 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0628; FRL–9981–33–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Experimental Use Permits (EUPs) for Pesticides (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): Experimental Use Permits (EUPs) for Pesticides (EPA ICR No. 0276.16 and OMB Control No. 2070–0040). This is a request to renew the approval of an existing ICR, which is currently approved through August 31, 2018. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** of December 11, 2017. With this submission to OMB, EPA is providing an additional 30 days for public review and comment.

DATES: Comments must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number Docket ID No. EPA–HQ–OPP–2017–0628, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Connie Hernandez, Field and External Affairs Division, Office of Pesticide Programs (7560P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–5190; email address: *hernandez.connie@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 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.*

ICR status: This ICR is currently scheduled to expire on August 31, 2018. Under OMB regulations, an agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. Under PRA, 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 OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The information collection covered by this ICR provides EPA with the data necessary to determine whether to issue an EUP under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA requires that before a pesticide product may be distributed or sold in the U.S., it must be registered by EPA. However, FIFRA section 5 authorizes EPA to issue an EUP to allow pesticide companies to temporarily ship pesticide products for experimental use for the purpose of gathering data necessary to support the application for registration of a pesticide product. The EUP application must be submitted in order to obtain a permit.

Form Numbers: EPA Form 8570–17: Application for an Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only.

Respondents/Affected Entities: Entities potentially affected by this ICR are engaged in pesticide, fertilizer, and other agricultural chemical manufacturing. The NAICS for respondents under the ICR include: 325320 (Pesticide and other Agricultural Chemical Manufacturing).

Respondent's Obligation To Respond: Mandatory (40 CFR 172).

Estimated Number of Respondents: 31 (total).

Frequency of Response: On occasion.

Total Estimated Burden: 567 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total Estimated Cost: $37,497 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 11 hours in the total annual estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's adjustment based on a slight increase in EUP submissions by program participants. This change is an adjustment.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–17443 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9981–84–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Indiana's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA approves the authorized program revision for the State of Indiana's National Primary Drinking Water Regulations Implementation as of September 13, 2018, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Devon Martin, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 566–2603, *martin.devon@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of

title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On July 18, 2018, the Indiana Department of Environmental Management (IDEM) submitted an application titled Compliance Monitoring Data Portal for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed IDEM's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Indiana's request to revise its Part 142 — National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

IDEM was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Indiana's request to revise its authorized National Primary Drinking Water Regulations Implementation program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f), to allow for electronic reporting. Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information: (1) The name, address and telephone number of the individual, organization or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Indiana's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2018–17442 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R10–CERCLA–10–2017–0170; FRL–9980–22—Region 10]

Proposed CERCLA Administrative Cost Recovery Settlement; Absorbent Technologies Site, Albany, Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) notice is hereby given of a proposed administrative settlement for recovery of response costs incurred for the Absorbent Technologies Site located in Albany, Oregon. The settling parties are River City Environmental, Inc. (River City), David L. Ellis, Pamela L. Ellis, and Farouk Al-Hadi. The proposed settlement requires the settling parties to pay a total of $187,500 to the Environmental Protection Agency Hazardous Substance Superfund. Of that amount, River City will pay $75,000, and Mr. Ellis, Ms. Ellis, and Mr. Al-Hadi will jointly pay $112,500. Upon payment of those sums, the settling parties will be released from their obligations for payments to EPA for costs EPA incurred at the Site prior to the effective date of the proposed settlement.

DATES: Comments must be received on or before September 13, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–CERCLA–10–2017–0170, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: The proposed settlement is available for public inspection at the U.S. EPA Region 10 office located at 805 SW Broadway, Suite 500, in Portland, Oregon. Contact Tom Townsend, EPA Management Analyst, at (503) 326–2763 or *townsend.tom@epa.gov* to arrange a viewing of the proposed settlement. A copy of the proposed settlement may also be obtained by contacting Richard Mednick, EPA Associate Regional Counsel, at (206) 553–1797 or *mednick.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

The Absorbent Technologies Site is comprised of two properties where a company manufactured a soil additive which allowed farmers to use less water. This manufacturing process involved the use of chemicals, including acrylonitrile, hydrogen cyanide, potassium hydroxide, sulfuric acid, phosphoric acid, methanol and toxic metals. The properties which comprise the Site are located at 2830 Ferry Street SW, and 140 SW Queen Avenue in Albany, Oregon. When the manufacturing operations ceased in October 2013, a substantial amount of chemicals were discarded on-site. Following a notice from the Albany Fire Department, EPA required and performed cleanup activities at the Site through April 2014. In a 2014 settlement, EPA received a payment of $250,000 from owners and operators of the Site. That settlement resolved a cost claim of approximately $500,000. The proposed administrative settlement agreement which is currently subject to public comment will require River City Environmental, Inc., David L. Ellis, Pamela L. Ellis, and Farouk Al-Hadi, four owners of personal or real property at the Queen Avenue portion of the Site, to pay EPA a total of $187,500. These parties also funded or performed some of the cleanup work required by EPA at the Site. Subsequent to the 2014 settlement, EPA incurred approximately $364,786 in additional response costs for the Queen Avenue portion of the Site. Pursuant to the terms of the proposed CERCLA section 122(h)(1) Settlement Agreement for Recovery of Response Costs, the settling parties will pay EPA a total of $187,500. Of that amount, River City will pay $75,000, and Mr. Ellis, Ms. Ellis, and Mr. Al-Hadi will jointly pay $112,500. In return for those payments, EPA covenants not to sue the settling parties for past response costs—response costs incurred by EPA prior to the effective date of the proposed Settlement Agreement—at the Site. For 30 days following the date of publication of this document, EPA will receive written comments relating to the proposed settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the U.S. EPA Region 10 offices located at 1200 Sixth Avenue in Seattle, Washington, and 805 SW Broadway, Suite 500, in Portland, Oregon.

Dated: August 8, 2018.

Calvin Terada,

Emergency Management Program Manager, Region 10 Office of Environmental Cleanup.

[FR Doc. 2018–17425 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2018–0573; FRL–9982–04-Region 1]

Program Requirement Revisions Related to the Public Water System Supervision Programs for the State of Connecticut and the State of New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Connecticut and the State of New Hampshire are in the process of revising their respective approved Public Water System Supervision (PWSS) programs to meet the requirements of the Safe Drinking Water Act (SDWA).

DATES: A request for a public hearing must be submitted on or before September 13, 2018 to the Regional Administrator.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the following office(s):

U.S. Environmental Protection Agency, Office of Ecosystem Protection, 5 Post Office Square, Suite 100, Boston, MA 02109–3912.

For state-specific documents: Connecticut Department of Public Health, Drinking Water Section, 410 Capital Avenue, Hartford, CT 06134; and New Hampshire Department of Environmental Services, Drinking Water and Groundwater Bureau, 29 Hazen Drive, Concord, NH 03302–0095.

FOR FURTHER INFORMATION CONTACT: Jeri Weiss, U.S. EPA-New England, Office of Ecosystem Protection, telephone (617) 918–1568).

SUPPLEMENTARY INFORMATION:

I. Background

The State of Connecticut has adopted drinking water regulations for the Stage 1 Disinfectant and Disinfection Byproducts Rule (63 FR 69390) promulgated on December 16, 1998, and the Stage 2 Disinfectant and Disinfection Byproducts Rule (71 FR 388) promulgated on January 4, 2006. After review of the submitted documentation, EPA has determined that the State of Connecticut's Stage 1 Disinfectant and Disinfection Byproducts Rule and Stage 2 Disinfectant and Disinfection Byproducts Rule are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve Connecticut's PWSS program revision for these rules.

The State of New Hampshire has adopted drinking water regulations for the Ground Water Rule (71 FR 65574) promulgated on November 8, 2006, the Lead and Copper Short Term Revisions Rule (72 FR 57782) promulgated on October 10, 2007, the Revised Total Coliform Rule (78 FR 10269) promulgated February 13, 2013, the Stage 1 Disinfectant and Disinfection Byproducts Rule (63 FR 69390) promulgated on December 16, 1998, and the Stage 2 Disinfectant and Disinfection Byproducts Rule (71 FR 388) promulgated on January 4, 2006. After review of the submitted documentation, EPA has determined that the state of New Hampshire's Groundwater Rule, Lead and Copper Short-Term Revisions Rule, Revised Total Coliform Rule, Stage 1 Disinfectant and Disinfection Byproducts Rule, and the Stage 2 Disinfectant and Disinfection Byproducts Rule are no less stringent than the corresponding federal regulations. In addition, EPA's primary enforcement responsibility regulations require states that accept electronic documents to have adopted regulations consistent with 40 CFR part 3 (Electronic reporting). New Hampshire accepts electronic documents and is in the process of adopting the necessary regulations that will supplement the State's legal authority under the State's Uniform Electronic Transactions Act. Therefore, EPA intends to approve New Hampshire's PWSS program revision for these rules.

II. Public Hearing Requests

All interested parties may request a public hearing for any of the EPA determinations. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

However, if a substantial request for a public hearing is made by this date, a public hearing will be held. If no timely and appropriate request for a hearing is received, and the Regional Administrator does not elect to hold a hearing on his/her own motion, this

determination shall become final and effective September 13, 2018. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination; (3) information that the requesting person intends to submit at such hearing; and (4) the signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Authority: Section 1401 (42 U.S.C. 300f) and Section 1413 (42 U.S.C. 300g–2) of the Safe Drinking Water Act, as amended (1996), and (40 CFR 142.10) of the National Primary Drinking Water Regulations.

Dated: July 30, 2018.

Deborah A. Szaro,

Deputy Regional Administrator, EPA Region 1—New England.

[FR Doc. 2018–17447 Filed 8–13–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 13, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–XXXX.

Title: Alternative Dispute Resolution Form Requests, FCC Form 5628.

Form Number: FCC Form 5628.

Type of Review: New information collection.

Respondents: Individuals or Households.

Number of Respondents and Responses: 5 respondents and 5 responses.

Estimated Time per Response: 3 hours.

Frequency of Response: One-time reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for these collections are contained in the *Administrative Dispute Resolution Act,* 5 U.S.C. 571 *et seq.; Civil Justice Reform,* Executive Order 12988; 29 CFR 1614.102(b)(2), 1614.105(f), 1614.108(b), and 1614.603

Total Annual Burden: 18 hours.

Total Annual Cost: $3,750.

Privacy Act Impact Assessment: The FCC is drafting a Privacy Impact Assessment to cover the personally identifiable information (PIA) that will be collected, used, and stored.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: FCC employees who experience workplace conflict may explore dispute resolution alternatives by completing FCC Form 5628.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–17421 Filed 8–13–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (OMB No. 3064–0134)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork

Reduction Act of 1995, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection described below (3064–0134). On May 24, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before September 13, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website: https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, 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 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On May 24, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

Proposal to renew the following currently approved collection of information:

1. *Title:* Customer Assistance Forms.

OMB Number: 3064–0134.

Form Number: FDIC 6422/04—Customer Assistance Form; FDIC 6422/11—Business Assistance Form; FDIC 6422/15—FDIC Deposit Insurance Form.

Affected Public: Individuals, Households, Business or Financial Institutions.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden (hours)
Customer Assistance Form (6422/04).	Reporting	Voluntary	7,000	1	0.25	On Occasion ..	1,750
Business Assistance Form (6422/11).	Reporting	Voluntary	200	1	0.25	On Occasion ..	50
FDIC Deposit Insurance Form (6422/15).	Reporting	Voluntary	1,000	1	0.25	On Occasion ..	250
Total Hourly Burden.	.....	.....	.....	.....	.....	.....	2,050

General Description of Collection: This collection facilitates the collection of information from customers of financial institutions that have inquiries or complaints about service. Customers or businesses may document their complaints or inquiries to the FDIC using a letter or optional forms (Form 6422/04; Form 6422/11; Form 6422/15). The Forms are used to facilitate online completion and submission of the complaints or inquiries and to shorten FDIC response times by making it easier to identify the nature of the complaint and to route the customer or business inquiry to the appropriate FDIC contact.

There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response and frequency of responses have remained the same.

Request for Comment: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on August 9, 2018.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2018–17402 Filed 8–13–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (OMB No. 3064–0195)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 the renewal of an existing information collection, as required by the Paperwork Reduction Act of 1995. The FDIC published a notice of its intent to renew the information collection described below in the **Federal Register** and requested comment for 60 days. FDIC received one comment which is fully discussed in the Supplementary Information section

below. No other comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this information collection, and again invites comment on the renewal.

DATES: Comments must be submitted on or before September 13, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency website: https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza, Counsel, Room MB–3007, 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 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Counsel, 202–898–3767, *mcabeza@FDIC.gov,* MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal to renew the following currently approved collection of information:

1. *Title:* Minimum requirements for appraisal management companies.

OMB Number: 3064–0195.

Form Number: None.

Affected Public: Participating States and Appraisal Management Companies that are subsidiaries owned and controlled by insured depository institutions.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Estimated number of respondents	Estimated number of responses	Estimated time per response (hours)	Frequency of response	Total annual estimated burden hours	FDIC, FRB and OCC share (hours)	FHFA share (hours)
IC #1—AMC Written Notice of Appraiser Removal from Network or Panel (323.10).	Record Keeping	9,881	1	0,08	On Occasion ...	790	237	79.
IC #2—State Recordkeeping Requirements (323.11(a) & (b).	Record Keeping	5	1	40	On Occasion ...	200	50	50.
IC #3—AMC Reporting Requirements (State and Federal AMCs)(323.12 & 13(c)).	Reporting	200	2	1	On Occasion ...	400	120	40.
IC #4—State Reporting Requirements to the Appraisal Sub Committee (323.14).	Reporting	55	1	1	On Occasion ...	55	14	14.
Total Estimated Annual Burden.	.....	.....	.....	.....	.....	1,445	421	183

General Description of Collection: The FDIC, the Office of the Comptroller of the Currency (OCC), The Board of Governors of the Federal Reserve System (FRB) and the Federal Home Finance Agency (FHFA) (collectively, the Agencies) issued regulations to implement the requirements of 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 regulations also implement the requirement in section 1473 of the Dodd-Frank Act for States to report to the Appraisal Subcommittee (ASC) 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). The FDIC's regulation is found at 12 CFR part 323 (the Regulation) and contains the following PRA recordkeeping and reporting requirements:

AMC Recordkeeping Requirements (IC #1). Section 323.10 of the Regulation 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.

State Recordkeeping Requirements (IC #2). States seeking to register AMCs must have an AMC registration and supervision program. Section 323.11(a) of the Regulation 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 violations of laws, regulations, or orders; (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 323.11(b) requires each participating State to impose requirements on AMCs not regulated by a Federal financial institutions regulatory agency nor owned and

controlled by an insured depository institution 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 the Uniform Standards of Professional Appraisal Practice; 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.

AMC Reporting Requirements (IC #3). Section 323.13(c) requires that a Federally-regulated AMC 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 section 323.12 of the Regulation. Section 323.12 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 is required to submit to a background investigation carried out by the State appraiser certifying and licensing agency. While section 323.12 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.

State Reporting Requirements (IC #4). Section 323.14 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 concerning such AMCs required to be submitted under the Regulation and any additional information required by the ASC.

Burden Estimate Methodology and Assumptions:

There is no change in the methodology or substance of this information collection. For the information collections described above, the general methodology is to compute the industry wide burden hours for States and appraisal management companies (AMCs) and then assign a share of the burden hours to each of the regulatory agencies for each information collection. The Agencies are revising their burden estimates based on the following assumptions:

IC #1: AMC Written Notice of Appraiser Removal from Network or Panel. The burden for written notices of appraiser removal from a network or panel is estimated to be equal to the number of appraisers who leave the profession per year multiplied by the estimated percentage of appraisers who work for AMCs, then multiplied by burden hours per notice. The number of appraisers who leave is calculated by adding the number of appraisers who are laid off or resign to the number of appraisers that have had their licenses revoked or surrendered. The total burden hours are then split between the Federal Reserve Board (FRB), the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), and the Federal Housing Finance Agency (FHFA) in a ratio of 3:3:3:1 in accordance with the burden sharing agreement among the Agencies.

Finally, the burden hours are calculated by multiplying the estimated number of written notices of appraiser removal (9,881) by the estimated burden per notice (0.08 hours) for a total of 790 burden hours.[1] As previously mentioned, the total burden hours are then split between the FDIC, FRB, OCC, and the FHFA such that the FHFA is responsible for 79 hours and the other three agencies are responsible for 237 hours each.

IC #2: Develop and Maintain a State Licensing Program. The burden on the States for developing and maintaining an AMC licensing program is calculated by multiplying the number of states without a registration and licensing program by the hour burden to develop the system. The total burden hours are then equally divided among the FDIC, FRB, OCC, and FHFA. According to the Appraisal Institute as of July 26, 2017, there are 5 states that have not developed a system to register and oversee AMCs.[2] The 2015 ICR estimate of the hour burden per state without a registration system was 40 hours. The FDIC does not believe this estimate needs to be updated for this renewal. Therefore, the total hour burden is 200 hours: 5 states × 40 hours/state = 200 hours. Finally, the total hour burden is divided among the four agencies such that each agency is responsible for 50 burden hours.[3]

IC #3: AMC Reporting Requirements (State and Federal AMCs). The burden for AMC reporting requirements is calculated by multiplying the number of AMCs by the frequency of response then by the burden per response. The burden hours are then divided between the FDIC, FRB, OCC, and FHFA at a ratio of 3:3:3:1.[4] FDIC estimates there are approximately 400 entities that provide appraisal management services as defined by section 323.9(d). Of these 400 entities, FDIC estimates approximately 200 entities meet the definition of an AMC as defined by section 323.9(c).[5]

The frequency of response is estimated as the number of states that do not have an AMC registration program in which the average AMC operates.[6] According to the Appraisal Institute, Five (5) states do not have AMC registration or oversight programs.[7] According to the Consumer Financial Protection Bureau (CFPB), the average AMC operates in 19.56 states.[8] Therefore, the average AMC operates in approximately 2 states that do not have AMC registration systems: (5 states / 55 states) × 19.56 states = 1.778 states ~ 2 states. Therefore the total hour burden for IC #3 is 400 hours: 200 AMCs × 2 states (frequency) × 1 hour = 400 hours. The burden hours are then divided such that the FDIC, FRB, and OCC are each responsible for 120 burden hours and

[1] The ''per notice'' burden estimate of 0.08 hours is unchanged from the estimate provided for the currently-approved ICR. The subject matter experts at the FDIC do not believe this estimate needs to be updated for this renewal.

[2] Appraisal Institute ''Enacted State AMC Laws,'' *https://www.appraisalinstitute.org/advocacy/enacted-state-amc-laws1/.*

[3] The assumption to divide the burden hours between the agencies is based on a burden-sharing agreement among the FDIC, FRB, OCC, and FHFA. The burden hours are shared in the same ratio as the 2015 ICR.

[4] Id.

[5] The FDIC anticipates more definitive information will become available when AMC registration requirements become effective on August 10, 2018.

[6] The number of states includes all U.S. states, territories, and districts, to include the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

[7] Appraisal Institute ''Enacted State AMC Laws,'' *https://www.appraisalinstitute.org/advocacy/enacted-state-amc-laws1/* (accessed February 27, 2018).

[8] The CFPB conducted a survey of 9 AMCs in 2013 regarding the provisions in the rule and the related PRA burden.

the FHFA is responsible for 40 burden hours.[9]

IC #4: State Reporting Requirements to the Appraisal Subcommittee. The burden hours for State reporting to the ASC are estimated by multiplying the number of states by the hour burden per state.[10] Then the burden hours are divided equally among the FDIC, FRB, OCC, and the FHFA. The total burden hour for state reporting is 50 hours: 55 states × 1 hour/state = 55 hours. This is then equally divided across the 4 agencies for 14 burden hours each, with rounding.[11]

Comments Received:

The FDIC received one comment letter from an appraisal management company trade association.

In response to the request for comment on whether this collection of information is necessary for the proper performance of the functions of the FDIC, including whether the information has practical utility, the commenter agreed that this collection of information is necessary and has 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.'' This suggests that the commenter believes that the ''proper purpose'' of the collection is limited to the promotion to appraiser independence. In response to this comment, the FDIC notes that the purpose of the AMC rule and the collection is to implement all required elements of the statute, not only provisions that relate to appraiser independence.[12] The Agencies were required to adopt regulations to implement all the statutory requirements and this collection of information is a necessary and useful component of such implementation.

In response to the request for comment on the accuracy of FDIC's estimate of the information collection burden, the commenter opines that the FDIC's estimate of the number of entities that meet the definition of an AMC under IC #3: (Reporting Requirements for State and Federal AMCs) is too low. The commenter did not offer an estimate of what the number should be and appears to agree that, as stated in footnote 5, the actual number of affected AMCs will be known once 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.

In response to the request for comment on ways to enhance the quality, utility, and clarity of the information to be collected, 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. The commenter's suggestions do not relate to the information 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 FDIC will, however, refer these suggestions to the ASC for consideration.

In response to the request for comments on ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology, 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 commenter believes 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). FDIC notes that the commenter's suggestions do not relate to the information collection. The FDIC will, however, refer these suggestions to the ASC for consideration.

Request for Comment: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on August 8, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–17377 Filed 8–13–18; 8:45 am]

BILLING CODE 6714–01–P

[9] See footnote 9.

[10] The number of states includes all U.S. states, territories, and districts, to include the Commonwealth of the Northern Mariana Islands, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. The burden estimate of one hour per report is unchanged from the estimate provided for the currently-approved ICR. The subject matter experts at the FDIC do not believe this estimate needs to be updated for this renewal.

[11] See footnote 9.

[12] *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).

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 29, 2018.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Darrin Church, Farmington, New Mexico;* to acquire voting shares of the Employee Stock Bonus Trust for the Employees of Citizens Bank and the Citizens Bank Employees Stock Ownership and Retirement Savings Plan (ESOP), Farmington, New Mexico, by virtue of his authority to direct the trustee of ESOP, and thereby indirectly acquire shares of Citizens Bankshares, Inc., and thereby acquire shares of The Citizens Bank, both of Farmington, New Mexico.

2. *John D. Russell, Fullerton, Nebraska;* to retain voting shares of First National Holding Company, Inc., Fullerton, Nebraska, and thereby retain shares of First Bank and Trust of Fullerton, Fullerton, Nebraska. In addition, John D. Russell, Timothy Russell and Ann Russell, both of Hastings, Nebraska, Jamie McQuillan, Menomonee Falls, Wisconsin, Riley Russell, Lincoln, Nebraska, and Krista Heiden, Hickman, Nebraska, have applied to become members of the Russell Family Group, which owns voting shares of First National Holding Company, Inc., and thereby indirectly owns shares of First Bank and Trust of Fullerton.

3. *George Wesley Boyd and Karen Boyd Pou, both of Dallas, Texas, and George Mitchell Boyd, Jr., Austin, Texas;* to acquire voting shares of Republic Trinidad Corporation, Houston Texas, and thereby indirectly acquire shares of First National Bank in Trinidad, Trinidad, Colorado. In connection with the notice, notificants also have applied to become members of the Boyd Family Group, which owns voting shares of Republic Trinidad Corporation, and thereby indirectly owns shares of First National Bank in Trinidad, Trinidad, Colorado.

Board of Governors of the Federal Reserve System, August 9, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–17403 Filed 8–13–18; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–2701]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food and Drug Administration Food Safety, Health, and Diet Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) 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 13, 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 0910–0345. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Safety, Health, and Diet Survey

OMB Control Number 0910–0345—Reinstatement

This information collection supports the above captioned FDA survey. Under section 1003(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(b)(2)), FDA is authorized to conduct research relating to foods and to conduct educational and public information programs relating to the safety of the nation's food supply. Accordingly, we are proposing a survey to measure consumers' knowledge, attitudes, beliefs, and reported behavior about food safety and various topics related to health, nutrition, and physical activity. Survey questions covering hand washing, using food thermometers, cleaning cutting boards, and properly storing food support ''Healthy People 2030'' objectives relating to consumer food safety and help evaluate and develop strategies and programs to encourage consumers to adopt healthy lifestyles.

Since late 1990, we have deployed two separate surveys to address these topics: The ''Food Safety Survey,'' approved under OMB control no. 0910–0345; and the ''Health and Diet Survey,'' approved under OMB control no. 0910–0545. The surveys have provided data used in support of Nutritional Facts labeling and have helped inform the focus and scope of food safety educational campaigns. Because there are many related topic areas included in the two surveys, we have decided to combine them. The newly proposed ''FDA Food Safety, Health, and Diet Survey'' will contain many of the same questions and topics as the previous surveys, measuring trends in food safety, diet knowledge, attitudes, and behaviors over time. The survey will focus on three major themes: *Eat, Shop,* and *Prepare.* These themes and survey questions were selected to gather information from consumers that will help FDA monitor and evaluate its programs and policies relating to menu labeling, use of the Nutrition Facts label, and food safety education activities.

The theme ''Eat'' will include questions related to eating at restaurants, including the frequency of eating at restaurants, awareness of menu labeling, and use of restaurant health inspection scores. It will also include questions about consumers' overall dietary patterns, consumption of potentially risky foods, and perceptions of food safety risks. The theme ''Shop'' will include questions about use of the Nutrition Facts label, claims made on the front of food packages, and perceptions related to organic and genetically engineered foods. Finally, the theme ''Prepare'' will include questions about food handling practices related to cleaning hands and surfaces, separating raw meat from ready-to-eat foods, using food thermometers, preparing ready- and non-ready-to-eat foods, and properly chilling foods.

The survey will be administered using two sampling and administrative methodologies: A random-digit-dial telephone survey of both landline and cell phones, and an addressed-based, mail push-to-web survey. Previously, for both the ''Health and Diet Survey'' and

the ''Food Safety Survey,'' only random digit dialing sampling techniques and telephone interviewing were used. By using both phone and address-based survey methods we will be able to explore the effects of survey mode and sampling frames on question responses with the goal of potentially transitioning the survey entirely to an address-based, mail push-to-web survey. A nationally representative sample of 2,000 adults will be selected at random to complete the telephone survey. The addressed-based survey will seek 4,000 respondents. Additionally, methods will be employed to see if response bias is a problem in the survey. As noted above, participation in the survey will be voluntary. Cognitive interviews and a pretest will be conducted prior to fielding the survey.

In the **Federal Register** of July 3, 2017 (82 FR 30871), we published a 60-day notice requesting public comment on the proposed collection of information for OMB control no. 0910–0345, ''Food Safety Survey.'' Two comments were received. One discussed the importance of food safety, and the other comment was unrelated to the information collection.

In the **Federal Register** of July 18, 2017 (82 FR 32832), we published a 60-day notice requesting public comment on the proposed collection of information for OMB control no. 0910–0545, ''Health and Diet Survey.'' No comments were received. Because we are proposing to combine the surveys, we are consolidating the burden under OMB control no. 0910–0345 and discontinuing OMB control no. 0910–0545.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive interview screener (phone survey).	75	1	75	0.083 (5 minutes)	6
Cognitive interview screener (mail survey)	75	1	75	0.083 (5 minutes)	6
Cognitive interview (phone survey)	9	1	9	1	9
Cognitive interview (mail survey)	9	1	9	1	9
Pre-test screener (phone survey)	100	1	100	0.0167 (1 minute)	2
Pre-test screener (mail survey)	100	1	100	0.0167 (1 minute)	2
Pretest (phone survey)	40	1	40	0.25 (15 minutes)	10
Pretest (mail survey)	25	1	25	0.33 (20 minutes)	9
Survey screener (phone survey)	20,000	1	20,000	0.0167 (1 minute)	334
Survey screener (mail survey)	40,000	1	40,000	0.0167 (1 minute)	668
Phone survey	2,000	1	2,000	0.25 (15 minutes)	500
Mail survey	4,000	1	4,000	0.33 (20 minutes)	1,320
Non-Response phone survey screener	200	1	200	0.0167 (1 minute)	3
Non-Response mail survey screener	200	1	200	0.0167 (1 minute)	3
Non-Response phone survey	100	1	100	0.167 (10 minutes)	16
Non-Response mail survey	100	1	100	0.167 (10 minutes)	16
Total					2,913

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We will use a cognitive interview screener with 75 individuals for each of the phone and mail surveys to recruit prospective interview participants for a total of 150 individuals. We estimate that it will take a screener respondent approximately 5 minutes (0.08 hour) to complete the cognitive interview screener, for a total of 12 hours for both surveys. We will conduct cognitive interviews with 18 participants, 9 for each survey. We estimate that it will take a participant approximately 1 hour to complete the interview, for a total of 18 hours. Prior to the administration of the surveys, the Agency plans to conduct a pretest to identify and resolve potential survey administration problems.

We will use a pre-test screener with 175 individuals total; we estimate that it will take a respondent approximately 1 minute (0.0167 hour) to complete the pre-test screener, for a total of 4 hours. The pretest will be conducted with 65 total participants (40 phone and 25 mail); we estimate that it will take a participant 15 minutes (0.25 hour) to complete the phone pretest and 20 minutes (0.33 hour) for the mail pretest for a total of 19 hours.

We will use a survey screener to select an eligible adult respondent in each household to participate in the survey. A total of 60,000 individuals in the 50 states and the District of Columbia will be screened by telephone or mail. We estimate that it will take a respondent 1 minute (0.0167 hour) to complete the screening, for a total of 1,002 hours for both phone and mail surveys. We estimate that 2,000 eligible adults will participant in the phone survey and 4,000 eligible adults will participate in the mail survey, the phone survey taking 15 minutes (0.25 hour) and the mail survey taking 20 minutes (0.33 hour), for a total of 1,820 hours.

We will use a non-response survey screener to select an eligible adult respondent in each household to participate in a non-response survey. A total of 400 participants in the 50 states and the District of Columbia will be screened by telephone or mail. We estimate that it will take a respondent 1 minute (0.0167 hour) to complete the screening, for a total of 6 hours for both the phone and mail surveys. We estimate that 200 respondents total, 100 for the phone survey and 100 for the mail survey, will complete the non-response survey taking 10 minutes (0.167 hour) for a total of 32 hours. Thus, the total estimated burden is 2,913 hours.

Dated: August 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–17363 Filed 8–13–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–1315]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Experimental Study of Risk Information Amount and Location in Direct-to-Consumer Print Ads

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 (the PRA).

DATES: Fax written comments on the collection of information by September 13, 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—New and title ''Experimental Study of Risk Information Amount and Location in Direct-to-Consumer Print Ads.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, FDA PRA Staff, 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.

Experimental Study of Risk Information Amount and Location in Direct-to-Consumer Print Ads

OMB Control Number 0910—NEW

I. Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

Section 502(n) of the FD&C Act (21 U.S.C.352(n)) specifies that advertisements (ads) for prescription drugs and biological products must provide a true statement of information ''in brief summary'' describing the advertised product's ''side effects, contraindications and effectiveness.'' This is clarified further in the prescription drug advertising regulations. The brief summary shall include a true statement of information relating to side effects, contraindications, warnings, precautions, and any such information under such headings as cautions, special considerations, important notes, etc., as well as effectiveness (§ 202.1(e)(1)). The prescription drug advertising regulations also specify that the phrase *side effect and contraindication* refers to all of the categories of risk information contained in the required, approved, or permitted product labeling written for health professionals, including the side effects, warnings, precautions, and contraindications (§ 202.1(e)(3)(iii)). Ads must also ''present a fair balance between information relating to side effects and contraindications and effectiveness . . .'' An ad must present true information relating to side effects and contraindications in comparable depth and detail with the claims for effectiveness or safety (§ 202.1(e)(5)(ii)).

To fulfill the regulatory requirements for fair balance and the brief summary, sponsors have typically included risk information about the product in direct-to-consumer (DTC) print ads both in the main part of the ad where the product claims appear, and in a separate brief summary page. The section of the main ad where the risks appear is often referred to as the ''Important Safety Information'' (ISI). Including risks in both the ISI and the brief summary may have advantages. Some research has found that repetition of information improves recall, especially for older adults (Ref. 1). This might result in improved recall for risks that appear both in the ISI and brief summary. However, it is possible that risks appearing on the main page in the ISI may be more likely to be read than risks appearing in the brief summary. Based on FDA survey research, about 27 percent of consumers surveyed in 2002 reported reading half or more of the brief summary in DTC print ads (Ref. 2). In comparison, when asked how much of the ''main'' ad they read, about 78 percent reported reading ''all'' or ''almost all'' of the main body portion of the ad.

One potential downside to including the same warnings in both the ISI and again in the brief summary is the potential to overwarn consumers. Overwarning is the concept that individuals are exposed to so many warnings in the course of daily life that they are less likely to pay attention to any one particular warning (Ref. 3). In terms of presenting risk information, detailing too many risks may lead consumers to discount all risks, or miss the most important risk information. Similarly, habituation follows when readers see the same warning repeatedly. Upon seeing a particular warning repeatedly, consumers may cease to pay attention to it (Refs. 4–6). Even if a warning has features that make it noticeable, it still has the potential for habituation with repeated exposure (Ref. 5). Although researchers caution against habituation and overwarning, there appears to be limited empirical research in the area of DTC advertising for prescription drugs for the logical supposition that seeing repeated warnings will lead to increased selectivity and reduced attention by recipients over time. Of note, the Office of Prescription Drug Promotion (OPDP) is studying the presentation of risk information in the context of DTC TV ads (''Disclosure Regarding Additional Risks in Direct-to-Consumer Prescription Drug Television Advertisements,'' OMB control number 0910–0785).

OPDP plans to investigate, through empirical research, various combinations of the ISI and brief summary. We propose to test two levels of the ISI (short versus long) and the presence of a consumer brief summary (absent versus present) in two different medical conditions (overactive bladder (OAB) and rheumatoid arthritis). The consumer brief summary will follow the draft recommendations for language, readability, content, and format described in ''Brief Summary and Adequate Directions for Use: Disclosing Risk Information in Consumer-Directed Print Advertisements and Promotional Labeling for Prescription Drugs: Guidance for Industry, Revised Draft Guidance'' (Ref. 7). The ''long'' ISI is a selection of risks from the brief summary and is typical of what would appear in current DTC ads for each condition. The ''short'' ISI was created by applying the ideas from recent FDA work on the major statement in broadcast ads (see Refs. 8 and 9).

Figures 1 and 2 describe the study design. This will be investigated in DTC print ads for prescription drugs.

Figure 1.--Study 1 Design

		Brief Summary	
Rheumatoid Arthritis	ISI	No	Yes
	Short		
	Long		

Figure 2.--Study 2 Design

		Brief Summary	
Overactive Bladder	ISI	No	Yes
	Short		
	Long		

This project is designed to use eye-tracking technology. Eye-tracking technology is an effective method to determine the extent to which consumers attend to risk information presented in DTC print ads. This technology allows researchers to unobtrusively detect and measure where a participant looks while viewing a print ad and for how long, and the pattern of their eye movements may indicate attention to and processing of information in the ad.

We plan to collect descriptive eye-tracking data on voluntary participants' attention to the following: (1) The ISI, (2) the brief summary, and (3) the indication and benefit claims. All participants will be 18 years of age or older. We will exclude individuals who are trained as healthcare professionals, employees of the U.S. Department of Health and Human Services (HHS), or who work in pharmaceutical, advertising, or marketing settings because their knowledge and experiences may not reflect those of the typical consumer. We will also exclude individuals who have photosensitive epilepsy; use a medical device that is sensitive to infrared light; or wear various kinds of eyeglasses, hard contact lenses, or colored contact lenses, or have certain vision disorders.

To examine differences between experimental conditions, we will conduct inferential statistical tests such as analysis of variance. With the sample size described in this document, we will have sufficient power to detect small-to-medium sized effects in the main study.

We plan to conduct one 60-minute pilot study with 40 participants and two 60-minute studies with 200 voluntary participants each (50 participants in each cell), for a total of 400 main study voluntary participants. The studies will be conducted in person in at least five different cities across the United States. These locations include Chicago, IL, Tampa, FL, Phoenix, AZ, Houston, TX, and Marlton, NJ. The pilot study and main studies will have the same design and will follow the same procedure. Participants who self-identify as having one of the medical conditions of interest will be randomly assigned to one of four test conditions. In Study 1, the ad will be for a fictitious drug to treat rheumatoid arthritis. In Study 2, the ad will be for a fictitious drug to treat OAB. After obtaining consent, we will explain the study procedure to participants and calibrate the eye-tracking device. To collect eye-tracking data, we will use an unobtrusive glasses-based real-world eye tracker with a minimum speed of 50 hertz. The test images will be presented on paper and sized similarly to how they would appear in print materials such as magazines. To simulate normal ad viewing, participants will view two ads. One of the ads will be the study ad. The non-study ad will be for a consumer product unrelated to health. Only eye-tracking data from the study ad will be analyzed. Next, participants will complete a questionnaire that assesses risk perceptions, risk recall, efficacy perceptions, efficacy recall, and covariates such as demographics and health literacy. In the pilot study, participants will also answer questions as part of a debriefing interview to assess the study design and questionnaire.

In the **Federal Register** of June 19, 2017 (82 FR 27842), FDA published a 60-day notice requesting public comment on the proposed collection of information. Five public comments were received. Comments received along with our responses to the comments are provided below. For brevity, some public comments are paraphrased and therefore may not reflect the exact language used by the commenter. We assure commenters that the entirety of their comments was considered even if not fully captured by our paraphrasing in this document. The following acronyms are used here: FRN = **Federal Register** Notice; DTC = direct-to-consumer; FDA and the Agency = Food and Drug Administration; OPDP = FDA's Office of Prescription Drug Promotion.

(Comment 1a, *regulations.gov tracking number 1k1–8xet–419m* (*verbatim*)) The research methodology that is outlined here, does not take into consideration prior exposure to ads and the fact that it is known to take about seven exposures to anything before the information sticks. Exposing the respondents to an hour-long eye-tracking research study does not take this into consideration.

(Response) We are not testing long-term retention of information. We are recruiting participants who have the medical condition of interest and may currently be under treatment. Also, Question 21 asks about familiarity with treatments for the targeted condition, which can be used as a covariate in analyses. We do not expect participants to have prior exposure to advertising for the product in the study because the ad is for a fictional product.

(Comment 1b (*verbatim*)) A sample of 400 is what is considered robust for comparative analysis. Although you will have enough to do some comparison with 200 respondents in each group, it would be better to increase to 400 per group.

(Response) Analysis will be conducted within medical condition. This yields a sample size within each study of 200, which will be used to

examine the main effect of length of ISI, the main effect of the presence of a brief summary, and the interaction effects of the two. The sample size of 200 was determined through a power analysis using an alpha level of 0.05, a power of 0.90 and a medium effect size (f = 0.25). The power to detect a medium effect size (f = 0.25) is 0.999 given an alpha of 0.05 if the sample size for each study was increased to 400. The increase in sample size would not substantially improve our ability to detect differences.

(Comment 1c (*verbatim, edited for length*)) It seems like the research is front loaded to give the answer that the FDA is looking for—give less information to consumers so that they think less about the side effects of the product and buy more product. Consumers should be given all the information to make an informed choice by themselves not determined by what the FDA or other governmental organization feels is what they can handle.

(Response) Please see our responses to Comments 2i and 5a. This research is intended to develop scientific evidence to help inform policy decisions and ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. OPDP seeks to ensure that prescription drug promotional materials provide truthful, balanced and accurately communicated information that helps patients make informed decisions about their treatment options. In each study, the ads will all include the same risk concepts and we will measure comprehension of these risks. We will vary the amount of detail about each risk concept in the ISI section of the ad and we will test the effects of repeating information across the ISI and the consumer brief summary.

(Comment 2a, *regulations.gov tracking number 1k1–8xz7-z732* (*verbatim*)) Do the exclusion criteria adequately account for all potential subjects that have vision impairments that can affect how their eyes move as they read? Additional exclusions may be needed to address these (*e.g.* blindness in one eye, artificial eye, etc.).

(Response) The study design currently calls for excluding potential participants with vision impairments that interfere with the capabilities of the eye-tracking glasses. This includes wearing regular glasses, bifocals, trifocals, progressive lenses, hard contact lenses, and colored contact lenses. We will also add exclusion criteria for potential participants who have cataracts, amblyopia (lazy eye/blind in one eye), strabismus (cross-eyed), mydriasis (permanent pupil dilation), nystagmus (involuntary eye movements), an ocular prosthesis (glass eye), and who are designated as legally blind.

(Comment 2b (*verbatim*)) Consider adding an arm to the design that shows an ad without any specific risk content or a brief summary, but alternatively consists of a statement that informs a potential patient that the drug in question has risks, including serious risks, associated with its use, and that it is very important that a patient talk with his/her doctor about these risks, prior to use, to determine if the drug is appropriate for the patient. It would be interesting to see what type of recall and what type of eye movement data would occur for this type of statement.

(Response) FDA regulations state that prescription drug advertisements must contain ''a true statement of information in brief summary relating to side effects, contraindications (. . .[to] include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.) and effectiveness'' (§ 202.1(e)(1)). Additionally, advertisements must also ''present a fair balance between information relating to side effects and contraindications and . . . effectiveness. . . .'' (§ 202.1(e)(5)(ii)). We decline the suggestion to test the proposed statement at this time.

(Comment 2c (*verbatim*)) Question 1: The relevance of asking a subject to assess how many risks are presented in comparison to how many benefits is not apparent. We recommend that FDA consider deleting the question or alternatively rewording it to get data on how many risks the subjects think are presented in the ad. Response options should be quantitative, such as: *No risks, 1–3 risks, 4–6 risks, >6 risks.*

(Response) The purpose of Question 1 is to assess participants' initial impressions of balance of risks versus benefits in the ad. Additionally, Question 4 has been revised based on the results of cognitive testing to collect risks that participants can recall. This provides both a quantitative measure and an accuracy evaluation. We believe this approach will yield richer data as far as how many risks the participant recalls from the ad.

(Comment 2d (*verbatim*)) Question 4: If subjects are going to be asked to recall, using free text, the risks presented in the ad, it would similarly be interesting to add a similar question to recall, using free text, which benefits were presented in the ad.

(Response) The questionnaire contains several questions about benefit/efficacy (Questions 3, 10, and 11). We also have questions that measure the perceived risk/benefit tradeoff (Questions 1, 18, and 19). Although it would be interesting from a conceptual standpoint to include an open-ended recall question about product benefits, our focus in this study is on the risk information. Further, we are concerned about adding length to the questionnaire as we have worked to minimize the burden of the collection of information on respondents.

(Comment 2e (*verbatim*)) Questions 8, 10, and 11: Suggest rewording the questions so that they describe the likelihood that a person taking the drug experiences a side effect or a benefit.

(Response) The items used in this section were developed through scale validation research. Thus, we prefer to retain them in their original form.

(Comment 2f (*verbatim*)): Questions 12–15: It may be confusing for the reader to discern differences between the terms ''main ad'', ''page following the main ad'', and ''advertisement''. These terms might need to be accompanied by further explanatory text.

(Response) Cognitive testing revealed participants did have difficulty discerning the differences in the ad components based on the descriptive terms provided. To address this problem and help with data quality, thumbnail images will be provided next to Questions 13–15, so that participants will have a visual cue of what portion of the ad the question is asking about without allowing them to re-read the ad stimulus.

(Comment 2g (*verbatim*)) Questions 16 and 17: Randomize the order in which the personal involvement adjectives/tasks are presented to minimize bias.

(Response) Question 16 is The Personal Involvement Inventory, a validated measure with high internal consistency (coefficient $\alpha = .88$) and has been used in prior studies to provide useful information about personal relevance (Refs. 10 and 11). The author of the inventory confirmed that it was developed and has been administered without randomization of these items. For the current study, values across items will be averaged in order to produce an overall personal involvement score for comparison across participants. Since this question is a validated measure and will be used only as a moderator variable, the item order will not change. Question 17 is a measure of self-efficacy, which will serve as an additional outcome of interest. We will randomize Question 17.

(Comment 2h (*verbatim*)) Question 18: It is not clear what the term ''leave'' means. It may mean ''take time off from work.'' Please clarify.

(Response) Question 18 was developed through scale validation research. ''Leave'' does in fact mean ''take time off from work.'' We did not encounter any confusion on the part of respondents during cognitive testing of the questionnaire. We prefer to retain this question in its original form.

(Comment 2i (*verbatim*)) Question 19: A consumer should not be expected to make a risk/benefit assessment of a drug simply by reading an ad. Such an assessment can occur only after a patient has had a discussion with his/her healthcare provider. Thus, we suggest deletion of this question.

(Response) An important purpose of communicating the drug's specific risk and benefit information in DTC advertising is to position consumers as active and well-informed participants in their health care decisionmaking. FDA seeks to improve our understanding of what baseline judgements about product risks and benefits individuals make on the basis of advertising. Question 19 does not indicate that FDA expects that the advertisement will be the sole basis for individuals to assess benefit and risk or make ultimate healthcare decisions. Rather, Question 19, which was developed through scale validation research, measures one aspect of the consumer's perception of the drug's risk-benefit tradeoff. Further, we did not encounter any confusion on the part of respondents during cognitive testing of the questionnaire.

(Comment 2j (*verbatim*)) Questions 28–33: We note these questions assess the ability of the respondent to answer questions using an ice cream nutrition facts label. We assume the inclusion of these questions is to assess how well respondents are capable of comprehending complex numeric information. However, we note that some respondents may not be able to comprehend and apply numeric information or be motivated to do so, regardless of how it appears. The format may not matter when this is the case. Therefore, we suggest that FDA consider analyzing results based on those who can vs. cannot answer the ice cream questions. Alternatively, the ice cream questions could be used at the start of the survey to screen out those who are unable to answer the questions, thereby further focusing the sample on persons who are able to comprehend numeric presentations likely to be found in drug promotion.

(Response) Questions 28–33 make up the Newest Vital Sign (NVS), developed by Pfizer. (See *https://www.pfizer.com/health/literacy/public-policy-researchers/nvs-toolkit*). The NVS is a valid and reliable measure of health literacy and numeracy that was used and recommended by two studies (Refs. 12 and 13). In this study, the NVS will be used as a covariate that measures risk of low health literacy/numeracy. It is important that potential participants of various health literacy levels are included, because level of health literacy/numeracy of the individual has been shown to play a particularly strong role in viewing and processing health information (Ref. 14).

For the stated reasons, no change to the analysis or use of the questions to filter the sample of participants is planned.

(Comment 3a, *regulations.gov tracking number 1k1–8y5u–ecif* (*verbatim*)) One omitted variable in the study design is recall after viewing the ad and ISI/brief summary. It would seem potential negative effects of overwarning and habituation would be even more apparent after a lapse of time. The commenter suggests incorporating a parameter to capture this, for example, including a re-contact option to test recall and interpretation after a period of 2–4 days. For this recall option, we suggest that a quota of ~ 30 respondents per cell in order to ensure a robust sample for statistical testing.

(Response) Question 4 captures open-ended recall of risks and negative effects. The comment proposes an interesting research idea. However, testing long-term retention of information is beyond the scope of this study.

(Comment 3b (*summarized*)) The commenter suggests ensuring a representative sample of respondents with the conditions of interest is collected (~ 30 per cell). Analysis of these respondents compared to those without the conditions would act as a control.

(Response) The study design calls for only including individuals who have the medical condition targeted for each study. This is based on the rationale that, relative to the general population, individuals who suffer from a specific medical condition pay more attention to DTC ads related to that medical condition (Refs. 15–17). Thus, we do not plan to add a general population sample.

(Comment 3c (*verbatim*)) Neither the full stimuli nor specific examples of the disclosure language were provided. The lack of access to these makes full interpretation of the study objectives difficult as well as leaves us unable to provide suggestions or comments on the stimuli to be tested.

(Response) We have described the purpose of the study, the design, the population of interest, and have provided the questionnaire to numerous individuals upon request. The brief summary for each ad contains a summary of the product risks, side effects, and contraindications. The ''long'' ISI is a selection of risks from the brief summary and is typical of what would appear in current DTC ads for each condition. The ''short'' ISI was created by applying the ideas from recent FDA work on the major statement in broadcast ads (see Refs. 16 and 17). Our full stimuli are under development during the PRA process. We do not make draft stimuli public during this time because of concerns that this may contaminate our participant pool and compromise the research.

(Comment 3d (*summarized*)) The commenter suggests that the data and information collected with eye-tracking be used as secondary evidence of attention. This is due to both difficulty of interpretation inherent in eye-tracking data along with subjectivity introduced by the ad copy stimuli under examination, as stimuli can be manipulated to increase/decrease attractiveness to a respondents' eye. The commenter believes these limitations make use of this data to direct policy difficult. Additionally, the briefing document does not expand upon exactly how the eye-tracking data will be analyzed other than tracking attention. There are various ways to analyze eye-tracking data, such as order of attention, number of multiple viewings, and possibly pupil dilation as a measure of attention. The commenter has traditionally added qualitative elements to its use of eye-tracking technology in research, by discussing what the respondent saw after viewing the stimuli and even reviewing a respondents' eye-tracking map with them to get further insights.

(Response) To clarify, two types of data will be collected in each study. Both data types are considered useful evidence. Self-report measures will be collected via a web-based questionnaire, and physical measures of attention will be collected via eye-tracking glasses. Existing research has relied on self-report measures to determine how much and what parts of the risk and benefit information consumers are reading. Because of the known unreliability of self-report measures (Ref. 18), research is needed to accurately determine what and how much consumers are reading when they see risk and benefit statements in prescription drug ads.

During the debriefings for the pilot study, respondents will be shown their eye-gaze data and asked to comment on the elements of the stimuli they attended to, the elements they did not attend to, and why. These data in aggregate form will be reviewed to determine whether to modify the stimuli prior to the main studies. Eye-tracking data (both heat maps and gaze plots) will be used in the analyses to identify general patterns across participants and to investigate how those relate to questionnaire measures.

(Comment 3e (*verbatim*)) The FRN states the location of risk information is also an objective of the study. The commenter assumes this ''location'' testing will be via testing risk information communicated in stimuli having the ISI plus the Brief Summary against stimuli having the ISI only. If this is inaccurate, then we are not sure the study design as described in the FRN adequately tests for a variable of ''location.'' If varying location of risk information beyond ISI versus ISI + Brief Summary is desired, the commenter suggests this be tested in a subsequent study or that the proposed study better specify variation of ''location.''

(Response) The commenter has correctly interpreted the study design. We are not manipulating where the information appears on the page. Location, as used here, refers to the presence of information in both the brief summary and the ISI, or just the ISI. Within each medical condition, we have endeavored to maintain consistency of where the information appears on the page, and the order of the information, across experimental conditions.

(Comment 3f (*summarized*)) Through the survey, the commenter suggests maintaining a single scale for all rating questions. For example, the commenter generally employs a 5-point scale, which includes a midpoint, and is defined at each point. In the current questionnaire, the scales switch from 5-point to 6-point scales which could cause confusion among some respondents. If the 6-point scales are included explicitly to omit a neutral mid-point, the commenter suggests that each of the points are defined to ensure that respondents know what the point on the scale they are choosing means (similarly to what is provided in Question 20 onwards).

(Response) Many of the items used in the survey were developed through scale validation research (*i.e.,* Questions 8–11, 18, and 19). These items utilize a six-point scale, so we have attempted to use six-point scales where possible. In other cases, however, we are using items that have been used in prior FDA studies (*i.e.,* Questions 1 and 24) or are established measurement inventories (Question 16 is the Personal Involvement Inventory; Ref. 11). Changing the scale range or altering the scale to add definitions to each scale point would preclude comparison with prior study results. Thus, we prefer to maintain the scale ranges currently in use.

(Comment 3g (*summarized*)) For Questions 8–11, the commenter suggests adding a ''Don't know'' option as respondents might not be able to assess likelihood of side effects, seriousness of side effects, efficacy, and potential improvement based on the information presented in the ad. The current range of answer choices may force inaccurate or speculative responses; a ''Don't Know'' answer would be a legitimate choice and informative for the study. The commenter's standard practice is to provide a ''Don't Know'' option whenever it could be a valid answer.

(Response) The items used in this section were developed through scale validation research. Thus, we prefer to retain them in their original form, for this study, though we will consider this for future measurement studies.

(Comment 3h (*verbatim*)) For Question 12, without ability to review the stimuli, it is unclear what content will appear in Area A, B, C and D. It is also unclear whether the content will be the same across all 4 stimuli ads or whether content will change location in the ad.

(Response) We have endeavored to maintain consistency of information location across conditions. Area A is the part of the ad with a picture. Areas B, C, and D are all sections of the ISI.

(Comment 3i (*summarized*)) The commenter wonders what the utility of asking Question 16 is as the question appears to be out of scope with the objectives of the study. Whether or not the ad is important, boring, or relevant to the respondent seems irrelevant to the stated goals. We suggest removing the question.

(Response) Please see our response to Comment 2g.

(Comment 3j (*summarized*) In Question 18, the inclusion of ''. . . outweigh all the things I have to do to obtain it (appointments, prescriptions, leave)'' seems out of scope when considering the objectives of the study. The commenter suggests removing the question.

(Response) This question measures one aspect of product benefits, the benefit-inconvenience tradeoff, which is an important component of drug product perceptions. Additionally, please see our response to Comment 2h.

(Comment 3k (*summarized*)) For Question 19, the commenter suggests a minor adjustment to the wording. Instead of saying ''The benefits of [DRUG NAME] outweigh any side effects it may have'', the commenter suggests saying ''. . . any side effects it is *described/indicated* as having''. ''May have'' could be interpreted subjectively by respondents to include side effects not in the ISI and brief summary.

(Response) Question 19 is a validated question so it will be retained as is. Cognitive testing revealed no comprehension or reporting issues for this question.

(Comment 3l (*verbatim*)) For Questions 22–23 pertaining to respondent perception of condition. There does not appear to be any skip logic to ensure that only those with one of the specified conditions can answer those questions. These questions should not be asked of those who do not suffer from one of the specified conditions.

(Response) We intend to recruit individuals who self-identify as having either OAB or rheumatoid arthritis. Those individuals will be assigned to view an ad that treats their medical condition. The questionnaire will contain questions relevant to that medical condition only.

(Comment 4a, *regulations.gov tracking number 1k1–8y4d–os71* (*summarized*)) The commenter recommends that greater emphasis be placed on the recall/questionnaire metric rather than the eye-tracking metric. The eye-tracking data will determine if there is indeed a direct correlation between the length (amount) of the risk information and length of time spent looking at that information; however, it will not differentiate between what content and format is more effective for communicating that risk information. The commenter suggests that FDA include in the questionnaire (and/or debriefing interview) specific inquiries regarding the repetitiveness of the risk information in order to further explore the link between the amount and placement of risk information and the ultimate recall of this information.

(Response) Please see our response to Comment 3d. In addition, we will add a question regarding repetitiveness to the questionnaire.

(Comment 4b (*summarized*)) The commenter believes it is important that the fictitious drugs in this study have safety profiles reflecting the complex safety profiles of actual, currently-approved and promoted products.

(Response) The DTC ads to be used in this research were developed using actual ads for these medical conditions. Additionally, we consulted with expert reviewers in OPDP on content and format to ensure the stimuli are realistic.

(Comment 4c (*summarized*)) The ''short'' versus ''long'' ISI should be defined explicitly. The commenter believes it is critical to know the specific ISI content (''short'' and ''long'') in order to fully understand the study results. Additionally, OPDP examples of adequate ''short'' and ''long'' ISIs used in the context of print ads would be valuable templates for industry, especially given the lack of consensus in acceptable utilization of ''short'' iterations of ISI as observed in past OPDP advisory comments and Warning Letters.

(Response) Please see our responses to comments 1c and 3c. This study is not intended to provide specific guidelines on what content should be included in the ISI.

(Comment 4d (*summarized*)) The commenter proposes the content of the brief summary be stated as well so as to understand what risk information is repeated from the ISI and what impact this may have on the study results.

(Response) We have described how the consumer brief summary will be constructed in the Background section. Please see our responses to Comment 1c and 3c.

(Comment 4e (*summarized*)) The commenter questions the utility of including the control, consumer product ad if the eye-tracking data is not utilized. FDA should clarify if the questionnaire will assess the recall of the control ad. The commenter recommends FDA fully evaluate the data from the control ad in order to provide appropriate context for the results obtained from the study, health-related ads.

(Response) The purpose of participants viewing the consumer product ad, otherwise known as the warm-up ad, is to orient them to the ad-viewing task. In addition, the warm-up ad permits the research team to do an initial review and adjustment of the eye-tracking equipment as needed before the study task begins. Therefore, there is no plan to analyze the warm-up ad data as it is not relevant to the focus of the study, and is mainly a procedure to orient the participant to the eye-tracking task.

(Comment 5a, *regulations.gov tracking number 1k1–8y60–6g3m* (*summarized*)) The commenter is concerned with the Agency's recent approaches to studies in this area. FDA has proposed to undertake projects in a variety of disparate topics without articulating a clear, overarching research agenda or adequate rationales on how the proposed research related to the goal of further protecting public health. Within the last year, the Agency has increased such efforts at an exponential pace. At times, FDA proposes new studies seemingly without fully appreciating its own previous research published on the OPDP website. Proposed studies are often unnecessary in light of existing data. The commenter suggests that the Agency publish a comprehensive list of its prescription drug advertising and promotion studies from the past 5 years and articulate a clear vision for its research priorities for the near future. Going forward, FDA should use such priorities to explain the necessity and utility of its proposed research and should provide a reasonable rationale for the proposed research.

(Response) OPDP's mission is to protect the public health by helping to ensure that prescription drug information is truthful, balanced, and accurately communicated, so that patients and health care providers can make informed decisions about treatment options. OPDP's research program supports this mission by providing scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that we believe are most central to our mission, focusing in particular on three main topic areas: Advertising features, including content and format; target populations; and research quality. Through the evaluation of advertising features we assess how elements such as graphics, format, and disease and product characteristics impact the communication and understanding of prescription drug risks and benefits; focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience; and our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response issues.

Because we recognize the strength of data and the confidence in the robust nature of the findings is improved through the results of multiple converging studies, we continue to develop evidence to inform our thinking. We evaluate the results from our studies within the broader context of research and findings from other sources, and this larger body of knowledge collectively informs our policies as well as our research program. Our research is documented on our homepage, which can be found at: *https://www.fda.gov/aboutfda/centersoffices/officeofmedicalproductsandtobacco/cder/ucm090276.htm.* The website includes links to the latest FRNs and peer-reviewed publications produced by our office. The website maintains information on studies we have conducted, dating back to a survey of DTC attitudes and behaviors conducted in 1999.

(Comment 5b (*The commenter provided a summary of their comments followed by a more detailed description of the same comments. For brevity, the summary of comments has been omitted and only the specific comments [5b through 5t] are provided below. The commenter's full comments may be accessed at regulations.gov via tracking number 1k1–8y13–m7td)* (*summarized*)) The PRA Notice states there has been little empirical research for the logical supposition that seeing repeated warnings will lead to increased selectivity and reduced attention. This is not correct. As some authors have commented, ''[h]abituation has been found in a variety [of] contexts and domains.'' The commenter is aware of at least three empirical research studies, none cited in the PRA Notice, that demonstrate the ''habituation effect is a robust phenomenon.'' This effect has been documented in ''studies involving different contexts and response measures.''

(Response) We thank the commenter for pointing out this mischaracterization. We have revised our introduction to clarify that whereas there is an overall body of research relating to habituation, there is limited, if any, research on habituation in the specific context of DTC print advertising for prescription drugs.

(Comment 5c (*summarized*)) FDA should clarify whether the proposed study will adopt the brief summary format outlined in ''Guidance for Industry—Brief Summary and Adequate Directions for Use: Disclosing Risk Information in Consumer-Directed Print Advertisements and Promotional Labeling for Prescription Drugs'' (Draft Guidance).

(Response) We plan to utilize the Question and Answer consumer-friendly format described in the referenced draft guidance.

(Comment 5d (*summarized*)) The commenter requests that the Agency make available for public comment the study stimuli, including the non-study ad for a consumer product unrelated to

health. In particular, the commenter wishes to provide comments on: (1) What constitutes ''short'' and ''long'' length for the ISI and (2) the content, format, and design of the Brief Summary.

(Response) Please see our responses to Comments 1c, 3c, 4c, and 4e.

(Comment 5e (*summarized*)) The Agency proposes to use eye tracking technology ''to determine how risk presentations in DTC print ads are perceived.'' The commenter encourages the Agency to use this technology in conjunction with other inputs (for example, qualitative research) to understand why subjects are looking at a portion of the proposed materials, rather than to draw conclusions that such portions were viewed. Additionally, an explanation of the use of eye tracking technology should also be included during the subject enrollment process.

(Response) FDA plans to collect and analyze eye-tracking (physical measures of attention) data in conjunction with other measures, including self-report measures of attention, recall, and comprehension. The recall measures will be collected via qualitative (open-ended) questions. To avoid the potential for priming effects, the goals of the eye-tracking component of the study will not be explained to recruited individuals before they report for their in-person sessions. However, participants will be made aware of the eye-tracking component during the informed consent process. Please also see our response to Comment 3d.

(Comment 5f (*summarized*)) *Recall Questions.* FDA should capture whether subjects comprehend that there are side effects and negative outcomes, even if the subject does not recall information on the specifics. The commenter suggests adding a question concerning whether subjects were aided in the recall of information by the ''short'' or ''long'' ISI format.

(Response) Questions 4a–c capture recall of risk in an open-ended format. Our approach involves random assignment to experimental conditions; each participant will see only one version of the stimuli. Because participants will not be aware there is another, different format, asking them their impressions of the long versus the short format is not feasible.

(Comment 5g (*verbatim*)) Recall questions (*e.g.,* Question 4) ask test subjects to identify specific side effects and negative outcomes of the featured drug products. It is not clear why such questions are necessary for the research purpose of the study.

(Response) An important purpose of communicating the drug's specific risk and benefit information in DTC advertising is to position consumers as active and well-informed participants in their health care decision-making. In this study, we are investigating how different presentations of risk information impact perception and comprehension of drug risks and benefits. These questions are designed to provide information to help us identify effective ways to communicate risk and benefit information in DTC advertising. See our response to Comment 2b for additional context.

(Comment 5h (*verbatim*)) The questionnaires do not define certain key terms (*e.g.,* risk, side effect). Subjects may interpret these terms based on different standards. FDA might consider providing user-friendly definitions.

(Response) We appreciate the importance of ensuring uniform interpretation of terms. In cognitive interviews preceding this work, we assessed whether individuals interpret key terms similarly and made revisions where necessary. We have also considered the additional time (burden) that would be required to complete the survey if every term were defined in the pilot and main study. With these factors in mind, we have chosen not to provide additional definitions.

(Comment 5i (*summarized*)) The commenter recommends that: (1) FDA replace the phrase ''negative outcomes'' with ''risks and warnings'' and (2) insert ''possible'' before the phrase ''side effects.''

(Response) We have deleted ''negative outcomes'' from the question wording in Question 2 and Question 4b. Also, please see our response to Comment 3g concerning the proposal to reword the previously validated question.

(Comment 5j (*verbatim*)) The Agency should consider changing the sliding scale to an odd number system to permit a ''neutral'' response. Most questions (*e.g.,* Questions 2–3, Questions 8–11) provide six choices, not permitting a neutral response.

(Response) Please see our response to Comment 3f.

(Comment 5k (*verbatim*)) FDA should reconsider the inclusion of the perceived efficacy likelihood (Question 10) and perceived efficacy magnitude (Question 11) questions. It is not apparent what utility these specific questions have in the context of the study.

(Response) We note that this comment is the opposite of Comment 2d, which suggests adding recall questions about product benefits. Although the main focus of this research is on the risk information, an important purpose of communicating the drug's specific risk and benefit information in DTC advertising is to position consumers as active and well-informed participants in health care decision-making. These questions will allow us to assess the impact of our study variables on perception and comprehension of drug benefits.

(Comment 5l (*summarized*)) The commenter supports a study design that includes an analysis of whether the inclusion of the brief summary, along with a short or long ISI, presents duplicative information to the user, and therefore, introduces overwarning.

(Response) We thank the commenter for their support of research. We reiterate that the purpose of the study is to examine how various means of presenting risk information impact consumer comprehension and perceptions of product information.

(Comment 5m (*verbatim*)) FDA states that it will conduct the studies in person in at least five different cities across the United States. The Agency should address what efforts it will take to avoid enrichment of the sample population when selecting cities.

(Response) We interpret the commenter's request for FDA to address how it will ''avoid enrichment of the sample population when selecting cities'' to mean that FDA should address how it will avoid collecting data in cities where the medical conditions are more prevalent than in other cities. This is not the aim of collecting data in five different cities. Rather, the cities have been selected to represent metropolitan areas in various geographic areas of the United States, including the West, Southwest, Midwest, Southeast, and the mid-Atlantic. These locations include Chicago, IL, Tampa, FL, Phoenix, AZ, Houston, TX, and Marlton, NJ. Due to the low population prevalence rate of the two medical conditions and the need to conduct sessions with 40 individuals with the condition in each of 5 areas, testing in rural areas is not feasible.

(Comment 5n (*summarized*)) Study participants diagnosed with one of the medical conditions of interest may be more prone to pay attention and read information concerning prescription drugs for these conditions. Additionally, the study setting may prompt participants to pay closer attention to stimuli. FDA should clarify how it plans to limit such response biases.

(Response) The study method randomly assigns each participant to an experimental condition, ensuring that potential pre-existing biases will be evenly distributed across the conditions.

The only aspect of the participants' experiences that will be varied in the study will be the manipulations that we have described. Thus, given the experimental design of the study, if we find differences between and among conditions, we can be reasonably sure that the manipulations caused the differences. Similarly, any individual differences in attention or ability should be spread across experimental conditions. We have not found in the past that our participants spend an inordinate amount of time viewing stimuli, but we will be careful to place the research in context when we interpret the data.

(Comment 5o (*verbatim*)) An ''FDA employee'' category, similar to S6 and S7, should be added to the Screener Survey. These individuals should also be terminated from the study.

(Response) We have added a category to exclude employees of HHS, which includes employees of FDA.

(Comment 5p (*verbatim*)) S2 and S3 of the Screener Survey should be rewritten as follows: ''Has a doctor or other health care professional ever *diagnosed* you with overactive bladder (OAB)?''

''Has a doctor or other health care professional ever *diagnosed* you with rheumatoid arthritis (RA)?''

(Response) We will leave the wording of the screener questions S2 and S3 as-is. Cognitive testing results in various contexts have indicated comprehension and reporting errors associated with using the more formal phrase ''. . . diagnosed you with . . . [condition].'' Common practice is to use the wording ''. . . ever told you . . . .''

(Comment 5q (*verbatim*)) Question 16 of the Questionnaire and P1 of the Pilot Study should be deleted. Whether a subject considers the study stimuli to be ''Exciting/Unexciting'' or ''Boring/Interesting'' or whether the subject ''likes'' the study stimuli has no apparent relevance to FDA's study goals.

(Response) Please see our response to Comment 2g.

(Comment 5r (*verbatim*)) Questions 12–17 should be the first questions of the Questionnaire. A subject will likely answer these questions most accurately immediately after reviewing the study stimuli and before answering other questions that could influence these answers.

(Response) FDA agrees that it is important to position certain questions where they will be answered in close proximity to the ad-viewing time, which may improve reporting accuracy. However, the decision was to place the questions that assess recall and recognition of risks (Questions 4–7) earliest in the question sequence, so as to minimize memory decay and contamination of responses by exposure to questions covering other constructs (risk likelihood, risk magnitude). The attention (Question 12) and ad reading (Questions 13–15) measures will be retained in their current order (in the first half of the questionnaire).

(Comment 5s (*verbatim*)) Question 18 should include considerations for prescription drug access.

(Response) Please see our response to Comment 2h.

(Comment 5t (*summarized*)) It is unclear how FDA plans to utilize the non-study ad (related to ice cream). Questions 27–32 appear very different in nature, substance, purpose, format, and length than the questions concerning the drug ad. FDA should clearly articulate the purpose of this stimulus and how it will be used in analyzing study results (if at all). If the sole purpose is to ''stimulate normal ad viewing,'' the commenter encourages adding another one to two non-study ads.

(Response) The comment suggests that the nutrition facts label was interpreted as the ''non-study ad.'' That is not the case. The ice cream nutrition facts label and accompanying questions (Questions 27–33) are included in the questionnaire as skills-based measures of health literacy and numeracy and have been adapted for self-administration in these studies. Please see our response to Comment 2j.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Pilot Screener	120	1	120	.03 (2 minutes)	4
Study 1 Screener	600	1	600	.03 (2 minutes)	18
Study 2 Screener	600	1	600	.03 (2 minutes)	18
Completes, Pilot	40	1	40	1	40
Completes, Study 1	200	1	200	1	200
Completes, Study 2	200	1	200	1	200
Total					480

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

II. References

The following references are on display with 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.

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2. Aikin, K.J., J.L. Swasy, and A.C. Braman, ''Patient and Physician Attitudes and Behaviors Associated with DTC Promotion of Prescription Drugs: Summary of FDA Survey Research Results'' (2004). Available at *https://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDER/ucm151498.htm.*
3. Warnings and Risk Communication (2005). Wogalter, M.S., D.M. DeJoy, and K.R. Laughery (Eds.). Philadelphia: Taylor & Francis, Inc.
4. Conzola, V.C. and M.S. Wogalter, ''A Communication-Human Information Processing (C–HIP) Approach to Warning Effectiveness in the Workplace.'' *Journal of Risk Research,* vol. 4(4), pp. 309–322, 2001.
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Print Format in Direct-to-Consumer Prescription Drug Advertisements on Risk Knowledge and Preference.'' *Drug Information Journal,* vol. 36(3), pp. 693–705, 2002.
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12. Mackert, M., S.E. Champlin, K.E. Pasch, and B.D. Weiss, ''Understanding Health Literacy Measurement Through Eye Tracking.'' *Journal of Health Communication,* vol. 18, pp. 185–196, 2013.
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14. An, S. and N. Muturi, ''Subjective Health Literacy and Older Adults' Assessment of Direct-to Consumer Prescription Drug Ads.'' *Journal of Health Communication,* vol. 16(3), pp. 242–255, 2011.
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Dated: August 8, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–17360 Filed 8–13–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Biomedical Advanced Research and Development Authority (BARDA)

AGENCY: Assistant Secretary for Preparedness and Response, HHS.

ACTION: Notice.

SUMMARY: The Biomedical Advanced Research and Development Authority (BARDA), Office of the Assistant Secretary for Preparedness and Response (ASPR), in the Department of Health and Human Services intends to provide a Single Source Cooperative Agreement to Janssen Research & Development, LLC. The Cooperative Agreement will support QuickFire Challenges to spur innovation in respiratory protection. The total proposed cost of the Single Source Cooperative Agreement is not to exceed $100,000 for a total of 12 months.

DATES:

Project Period: The period of performance is from July 30, 2018 to June 30, 2019.

Award amount: Estimate $100,000.

FOR FURTHER INFORMATION CONTACT: *Sherrette.Funn@hhs.gov,* 202–795–7714, *Julie.Schafer@hhs.gov,* 202–205–1435.

SUPPLEMENTARY INFORMATION: The Biomedical Advanced Research and Development Authority (BARDA) is the program office for this Cooperative Agreement:

Single Source Justification: Janssen Research & Development, LLC creates global challenges to spur innovation in health care in partnership with JLABS, a global network of open innovation ecosystems designed to support innovators and entrepreneurs in creating and accelerating innovative health care solutions.

Janssen Research & Development, LLC and BARDA will collaborate on a global challenge for reimagined, transformative respiratory protection. Traditional respiratory protective devices used to protect against inhalation of harmful infectious agents were designed for use in occupational settings, to guard against inhalation of dangerous particulates. Disposable versions, such as N95 respirators, are only available for adults, must be fit-tested to ensure proper functioning, and can be uncomfortable to wear. In an outbreak of a novel or newly emerging respiratory disease, respiratory protection may be the only countermeasure available to protect health care workers and the general public.

Janssen Research & Development, LLC will partner with JLABS, which exists to foster innovation in health care products and executes QuickFire Challenges for health care innovation. There is no direct equivalent of the QuickFire Challenge services for innovation specific to health care as is provided by JLABS. Its unique service will directly benefit BARDA's mission to make available medical countermeasures to address health security threats. Supporting innovation is an authority provided to BARDA under the Public Health Service Act and partnering with a company providing a diverse array of products and leveraging its expertise and infrastructure has the potential to provide solutions to the challenges in developing new respiratory devices.

Reimagined, innovative respiratory protection would contribute directly to ASPR's mission to save lives and protect Americans against 21st Century health security threats. Respiratory protection is often the first line of defense, and a radically improved approach to protect both health care workers and the general public, including children, would truly improve our ability to respond to public health emergencies. By generating interest and focusing innovation efforts on reimagining respiratory protection, BARDA's goal for the QuickFire Challenge is for the resulting innovative approaches to be eligible for continued testing and development and eventual regulatory approval, so that these revolutionary products can be widely available and used.

Please submit an inquiry via the ASPR–BARDA Program Contact: Dr. Julie Schafer, *Julie.Schafer@hhs.gov,* 202–205–1435.

Robert P. Kadlec,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2018–17381 Filed 8–13–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Pain Management Best Practices Inter-Agency Task Force

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that a meeting is scheduled to be held for the Pain Management Best Practices Inter-Agency Task Force (Task Force). The meeting will be open to the public; public comment sessions will be held during the meeting.

DATES: The Task Force meeting will be held on Tuesday, September 25, 2018, from 8:30 a.m. to 4:30 p.m. Eastern Time (ET) and Wednesday, September 26, 2018, from 9:00 a.m. to 12:00 p.m. ET. The agenda will be posted on the Task Force website at *https://www.hhs.gov/ash/advisory-committees/pain/index.html.*

ADDRESSES: U.S. Department of Health and Human Services, Hubert H. Humphrey Building, Great Hall, 200 Independence Avenue SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alicia Richmond Scott, Designated Federal Officer, Pain Management Best Practices Inter-Agency Task Force, U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, 200 Independence Avenue SW, Room 736E, Washington, DC 20201. Phone: 240–453–2816. Email: *paintaskforce@hhs.gov.*

SUPPLEMENTARY INFORMATION: Section 101 of the Comprehensive Addiction and Recovery Act of 2016 (CARA) requires the Secretary of Health and Human Services, in cooperation with the Secretaries of Defense and Veterans Affairs, to convene the Task Force no later than two years after the date of the enactment of CARA and develop a report to Congress with updates on best practices and recommendations on addressing gaps or inconsistencies for pain management, including chronic and acute pain. The Task Force is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. App), which sets forth standards for the formation and use of advisory committees.

The Task Force will review clinical guidelines and identify gaps and/or inconsistencies for best practices for pain management, including chronic and acute pain, developed or adopted by federal agencies; propose updates to best practices and recommendations for identified gaps or inconsistencies; provide a 90 day the public comment period on any proposed updates and recommendations; and develop a strategy for disseminating such proposed updates and recommendations to relevant federal agencies and the general public.

The Task Force will convene its second public meeting, on September 25 and 26, 2018, to discuss updates to existing best practices and recommendations based on gaps and inconsistencies for pain management, including chronic and acute pain. The Task Force will receive presentations from three Task Force subcommittees established at the inaugural Task Force meeting. The Task Force subcommittees will discuss recommendations for updates to best practices and recommendations for chronic and acute pain management and prescribing pain medication based on the components outlined in Section 101 of the CARA statute. The Task Force will deliberate and vote on the draft Task Force recommendations. Information about the final meeting agenda will be posted prior to the meeting on the Task Force website: *https://www.hhs.gov/ash/advisorycommittees/pain/index.html.*

Members of the public are invited to participate in person or by webcast. To join the meeting, individuals must pre-register at the Task Force website at *https://www.hhs.gov/ash/advisory-committees/pain/index.html.* Seating will be provided first to those who have pre-registered. Anyone who has not pre-registered will be accommodated on a first come, first served basis if additional seats are available 10 minutes before the meeting starts. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate the special accommodation when registering online or by notifying the Office of the Assistant Secretary for Health via email at *paintaskforce@hhs.gov* by September 21, 2018. The subject line of the email should read, ''Task Force Meeting Accommodations.'' Non-U.S. citizens who plan to attend in person are required to provide additional information and must notify the Task Force staff via email at *paintaskforce@hhs.gov* 10 business days before the meeting, September 11, 2018. For those unable to attend in person, a live webcast will be available. More information on registration and accessing the webcast can be found at *https://www.hhs.gov/ash/advisory-committees/pain/index.html.*

Members of the public can provide oral comments at the Task Force meeting on September 25, 2018, at 9:20 a.m.–9:50 a.m. ET. Please indicate your willingness to provide oral comments on the registration form which can be found at *https://www.hhs.gov/ash/advisory-committees/pain/index.html.* Individuals who pre-register will be given priority to provide oral public comment within the order they are received. The public comment period will not be extended beyond the allotted time on the agenda. Public comments made during the meeting will be limited to three minutes per person to ensure time is allotted for all those wishing to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Individuals who are not able to provide oral comments are encouraged to submit their written comments. Written comments should not exceed one page in length. Individuals submitting written comments should submit their comments through the Federal eRulemaking Portal at *http://www.regulations.gov,* docket number HHS–OS–2018–0016.

Dated: August 9, 2018.

Vanila M. Singh,

Chief Medical Officer, Chair, Pain Management Task Force, Office of the Assistant Secretary for Health.

[FR Doc. 2018–17446 Filed 8–13–18; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0280]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0045

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0045, Adequacy Certification for Reception Facilities and Advance Notice—33 CFR part 158, without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before September 13, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0280] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2018–0280], and must be received by September 13, 2018.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0045.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (83 FR 24133, May 24, 2018) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Adequacy Certification for Reception Facilities and Advance Notice—33 CFR part 158.

OMB Control Number: 1625–0045.

Summary: This information helps ensure that waterfront facilities are in compliance with reception facility standards. Advance notice information from vessels ensures effective management of reception facilities.

Need: Section 1905 of Title 33 U.S.C. gives the Coast Guard the authority to certify the adequacy of reception facilities in ports. Reception facilities are needed to receive waste from ships which may not discharge at sea. Under these regulations in 33 CFR part 158 there are discharge limitations for oil and oily waste, noxious liquid substances, plastics and other garbage.

Forms: CG–5401, Certificate of Adequacy for Reception Facility; CG–5401A, Application for Certificate of Adequacy (COA) for Reception Facilities, Form A; CG–5401B, Application for Certificate of Adequacy (COA) for Reception Facilities, Form B; CG–5401C, Application for a Reception Facility Certificate of Adequacy for Garbage Form C; CG–5401D, Application for a Reception Facility Certificate of Adequacy for Ozone Depletion Substances and Exhaust Gas Cleaning System Residue Form D.

Respondents: Owners and operators of reception facilities, and owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 4,997 hours to 4,825 hours a year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: July 31, 2018.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2018–17364 Filed 8–13–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0283]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0113

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0113, Crewmember Identification Documents; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before October 15, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0283] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0283], and must be received by October 15, 2018.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Crewmember Identification Documents.

OMB Control Number: 1625–0113.

Summary: This information collection covers the requirements that crewmembers on vessels calling at U.S. ports must carry and present on demand, an identification that allows the identity of crewmembers to be authoritatively validated.

Need: Title 46 U.S.C. 70111 mandated that the Coast Guard establish regulation about crewmember identification. The regulations are in 33 CFR part 160 Subpart D.

Forms: None.

Respondents: Crewmembers, and operators of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 34,293 hours to 32,955 hours a year due to a decrease in the estimated time to acquire an acceptable identification document.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: May 15, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–17367 Filed 8–13–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0016]

Agency Information Collection Activities: Certificate of Origin

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than September 13, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information

collection was previously published in the **Federal Register** (83 FR 18582) on April 27, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (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, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Certificate of Origin.
OMB Number: 1651–0016.
Form Number: CBP Form 3229.
Action: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.
Type of Review: Extension (without change).
Abstract: CBP Form 3229, Certificate of Origin, is used by shippers and importers to declare that goods being imported into the United States are produced or manufactured in a U.S. insular possession from materials grown, produced or manufactured in such possession. This form includes a list of the foreign materials included in the goods, and their description and value. CBP Form 3229 is used as documentation for goods entitled to enter the U.S. free of duty. This form is authorized by General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) and is provided for by 19 CFR part 7.3. CBP Form 3229 is accessible at *http://forms.cbp.gov/pdf/CBP_Form_3229.pdf.*
Affected Public: Businesses.
Estimated Number of Respondents: 113.
Estimated Number of Annual Responses per Respondent: 20.
Estimated Number of Total Annual Responses: 2,260.
Estimated Time per Response: 20 minutes.
Estimated Annual Burden Hours: 746.

Dated: August 9, 2018.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–17404 Filed 8–13–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2625–18; DHS Docket No. USCIS–2015–0005]

RIN 1615–ZB76

Extension of the Designation of Yemen for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Through this Notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is extending the designation of Yemen for Temporary Protected Status (TPS) for 18 months, from September 4, 2018, through March 3, 2020. The extension allows currently eligible TPS beneficiaries to retain TPS through March 3, 2020, so long as they otherwise continue to meet the eligibility requirements for TPS.

This Notice also sets forth procedures necessary for nationals of Yemen (or aliens having no nationality who last habitually resided in Yemen) to re-register for TPS and to apply for Employment Authorization Documents (EADs) with U.S. Citizenship and Immigration Services (USCIS). USCIS will issue new EADs with a March 3, 2020 expiration date to eligible Yemen TPS beneficiaries who timely re-register and apply for EADs under this extension.

DATES: *Extension of Designation of Yemen for TPS:* The 18-month extension of the TPS designation of Yemen is effective September 4, 2018, and will remain in effect through March 3, 2020. The 60-day re-registration period runs from August 14, 2018 through October 15, 2018. (*Note:* It is important for re-registrants to timely re-register during this 60-day period and not to wait until their EADs expire.)

FOR FURTHER INFORMATION CONTACT:

- You may contact Samantha Deshommes, Branch Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529–2060; or by phone at 800–375–5283.
- For further information on TPS, including guidance on the re-registration process and additional information on eligibility, please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* You can find specific information about this extension of Yemen's TPS designation by selecting ''Yemen'' from the menu on the left side of the TPS web page.
- If you have additional questions about Temporary Protected Status, please visit *uscis.gov/tools.* Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283.
- Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).
- Further information will also be available at local USCIS offices upon publication of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
FR—Federal Register
Government—U.S. Government
IJ—Immigration Judge
INA—Immigration and Nationality Act
IER—U.S. Department of Justice Civil Rights Division, Immigrant and Employee Rights Section
SAVE—USCIS Systematic Alien Verification for Entitlements Program
Secretary—Secretary of Homeland Security
TNC—Tentative Nonconfirmation
TPS—Temporary Protected Status
TTY—Text Telephone
USCIS—U.S. Citizenship and Immigration Services
U.S.C.—United States Code

Through this Notice, DHS sets forth procedures necessary for eligible nationals of Yemen (or aliens having no nationality who last habitually resided

in Yemen) to re-register for TPS and to apply for renewal of their EADs with USCIS. Re-registration is limited to persons who have previously registered for TPS under the designation of Yemen and whose applications have been granted.

For individuals who have already been granted TPS under Yemen's designation, the 60-day re-registration period runs from August 14, 2018 through October 15, 2018. USCIS will issue new EADs with a March 3, 2020 expiration date to eligible Yemeni TPS beneficiaries who timely re-register and apply for EADs. Given the timeframes involved with processing TPS re-registration applications, DHS recognizes that not all re-registrants will receive new EADs before their current EADs expire on September 3, 2018. Accordingly, through this **Federal Register** notice, DHS automatically extends the validity of EADs issued under the TPS designation of Yemen for 180 days, through March 2, 2019. Additionally, individuals who have EADs with an expiration date of March 3, 2017, and who applied for a new EAD during the last re-registration period but have not yet received their new EADs are also covered by this automatic extension. These individuals may show their EAD indicating a March 3, 2017 expiration date and their EAD application receipt (Notice of Action, Form I–797C) that notes the application was received on or after January 4, 2017 to employers as proof of continued employment authorization through March 2, 2019. This Notice explains how TPS beneficiaries and their employers may determine which EADs are automatically extended and how this affects the Form I–9, Employment Eligibility Verification, and E-Verify processes.

Individuals who have a pending Yemen TPS application will not need to file a new Application for Temporary Protected Status (Form I–821). DHS provides additional instructions in this Notice for individuals whose TPS applications remain pending and who would like to obtain an EAD valid through March 3, 2020. There are approximately 1,250 current beneficiaries under Yemen's TPS designation.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to obtain EADs so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a country's TPS designation, beneficiaries return to one of the following:
  - ○ The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or been terminated); or
  - ○ Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

When was Yemen designated for TPS?

Former Secretary of Homeland Security Jeh Johnson initially designated Yemen for TPS on September 3, 2015, based on ongoing armed conflict in the country resulting from the July 2014 campaign by the Houthis, a northern opposition group that initiated a violent, territorial expansion across the country, eventually forcing the Yemeni Government leaders into exile in Saudi Arabia. *See Designation of Republic of Yemen for Temporary Protected Status, 80 FR 53319 (Sept. 3, 2015).* On January 4, 2017, former Secretary Johnson announced an 18-month extension of Yemen's existing designation and a new designation of Yemen for TPS on the dual bases of ongoing armed conflict and extraordinary and temporary conditions. *See Extension and Redesignation of Republic of Yemen for Temporary Protected Status, 82 FR 859 (Jan. 4, 2017).*

What authority does the Secretary have to extend the designation of Yemen for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government (Government), to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.[1] The Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided in the designated country). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a country's TPS designation or extension, the Secretary, after consultation with appropriate Government agencies, must review the conditions in the foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary does not determine that the foreign state no longer meets the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Why is the Secretary extending the TPS designation for Yemen through March 3, 2020?

DHS has reviewed conditions in Yemen. Based on the review, including input received from other U.S. Government agencies, the Secretary has determined that an 18-month extension is warranted because the statutory bases of ongoing armed conflict and extraordinary and temporary conditions that prompted Yemen's 2017 extension and new designation for TPS persist.

The United Nations has verified more than 28,000 civilian casualties since March 2015, including around 9,500 civilian deaths by airstrikes. Civilians continue to be at risk of death and injury from indiscriminate artillery attacks, landmines, and unexploded ordinances. In addition to dangers generated by the Houthi and Saudi-led coalition military action, terrorist groups are taking advantage of the conflict to perpetrate attacks against civilians. Al-Qaeda in the Arabian Peninsula (AQAP) has gained influence

[1] As of March 1, 2003, in accordance with section 1517 of title XV of the Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions transferred from the Department of Justice to DHS ''shall be deemed to refer to the Secretary'' of Homeland Security. *See* 6 U.S.C. 557 (codifying the Homeland Security Act of 2002, tit. XV, section 1517).

and enabled the emergence of a faction of the self-described Islamic State (IS), IS–Y. AQAP and IS–Y terrorists have carried out attacks, kidnappings, and targeted assassinations throughout Yemen, including in Sana'a and Aden, since 2015. Yemen's minority Baha'i population has also been targeted for mistreatment in the ongoing conflict.

At least 2,400 child soldiers have been recruited by various parties in Yemen since March 2015, according to the United Nations. Houthi forces recruit boys as young as 11, often pulling them out of school and forcing them to fight on the front lines of the conflict. Although Houthi forces are allegedly responsible for the vast majority of child soldier recruitment, other groups in Yemen, including the Republic of Yemen Government (ROYG) and AQAP, also recruit children to fight.

Yemen is also experiencing a significant humanitarian crisis. An estimated 22.2 million people—over three-quarters of Yemen's population—are in need of humanitarian assistance in 2018, according to the United Nations—a 20 percent increase from January 2017. More than two million Yemenis remain internally displaced (down from a high of three million), and more than 280,000 people have fled the country (an increase of almost 100,000 from the last extension), including more than 64,000 Yemenis registered as refugees. The ongoing conflict has placed at least 8.4 million people at risk of famine. Sixteen million Yemenis lack access to safe water and sanitation, and 16.4 million people lack access to adequate health care, according to the United Nations. More than one million suspected cholera cases were reported between April 2017 and May 2018, according to the World Health Organization (WHO).

Yemen relies on imports for approximately 90 percent of staple food supplies. Prior to 2015, Yemen was already suffering from significant food insecurity. The United Nations estimated that, as of January 2018, nearly 18 million Yemenis were in need of food assistance, an increase over January 2017 estimates that 14 million people required food assistance. According to the WHO, the food crisis is particularly severe for young children. Around 1.8 million Yemeni children under the age of five are acutely malnourished, and 400,000 children under age five suffer from severe, acute malnutrition.

Much of Yemen's vital infrastructure has been destroyed as a result of the ongoing conflict. A January 2018 DOS Travel Advisory highlights the significant destruction of Yemen's infrastructure, housing, medical facilities, schools, and power and water utilities, limiting the availability of electricity, clean water, and medical care, and hampering humanitarian assistance. Since the beginning of the conflict, 274 of Yemen's health care facilities have been damaged or destroyed, according to the WHO.

Yemen's economy is also collapsing. The country's real GDP shrank by 10.9 percent in 2017. Average GDP per capita shrank from about $1,247 in 2014 to $485 in 2017, according to the Yemeni Ministry of Planning and International Cooperation.

Based upon this review and after consultation with appropriate Government agencies, the Secretary has determined that:

- The conditions supporting the 2017 extension and new designation of Yemen for TPS continue to be met. *See* INA section 244(b)(3)(A) and (C), 8 U.S.C. 1254a(b)(3)(A) and (C).
- There continues to be an ongoing armed conflict in Yemen and, due to such conflict, requiring the return of Yemeni nationals (or aliens having no nationality who last habitually resided in Yemen) to Yemen would pose a serious threat to their personal safety. *See* INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).
- There continue to be extraordinary and temporary conditions in Yemen that prevent Yemeni nationals (or aliens having no nationality who last habitually resided in Yemen) from returning to Yemen in safety, and it is not contrary to the national interest of the United States to permit Yemeni TPS beneficiaries to remain in the United States temporarily. *See* INA section 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).
- The designation of Yemen for TPS should be extended for an 18-month period, from September 4, 2018 through March 3, 2020. *See* INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

Notice of Extension of the TPS Designation of Yemen

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate Government agencies, the conditions that supported Yemen's 2017 extension and new designation for TPS continue to be met. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). On the basis of this determination, I am extending the existing designation of TPS for Yemen for 18 months, from September 4, 2018, through March 3, 2020. *See* INA section 244(b)(1)(A), (b)(1)(C); 8 U.S.C. 1254a(b)(1)(A), (b)(1)(C).

Kirstjen M. Nielsen,

Secretary.

Required Application Forms and Application Fees To Re-Register for TPS

To re-register for TPS based on the designation of Yemen, you *must* submit an Application for Temporary Protected Status (Form I–821). You do not need to pay the filing fee for the Form I–821. *See* 8 CFR 244.17. You may be required to pay the biometric services fee. Please see additional information under the ''Biometric Services Fee'' section of this Notice.

Through operation of this **Federal Register** notice, your existing EAD issued under the TPS designation of Yemen with the expiration date of September 3, 2018 is automatically extended for 180 days, through March 2, 2019. However, if you want to obtain a new EAD valid through March 3, 2020, you must file an Application for Employment Authorization (Form I–765) and pay the Form I–765 fee (or request a fee waiver). If you do not want a new EAD, you do not have to file Form I–765 or pay the Form I–765 fee. If you do not want to request a new EAD now, you may also file Form I–765 at a later date and pay the fee (or request a fee waiver), provided that you still have TPS or a pending TPS application.

Additionally, individuals who have EADs with an expiration date of March 3, 2017, and who applied for a new EAD during the last re-registration period but have not yet received their new EADs are also covered by this automatic extension through March 2, 2019. You do not need to apply for a new EAD in order to benefit from this 180-day automatic extension. If you have a Form I–821 and/or Form I–765 that was still pending as of August 14, 2018, then you do not need to file either application again. If your pending TPS application is approved, you will be granted TPS through March 3, 2020. Similarly, if you have a pending TPS-related application for an EAD that is approved, it will be valid through the same date.

You may file the application for a new EAD either prior to or after your current EAD has expired. However, you are strongly encouraged to file your application for a new EAD as early as possible to avoid gaps in the validity of your employment authorization documentation and to ensure that you receive your new EAD by March 2, 2019.

For more information on the application forms and fees for TPS,

please visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Fees for the Form I–821, the Form I–765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

Biometric Services Fee

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay for the biometric services fee, you may complete a Form I–912 or submit a personal letter requesting a fee waiver, with satisfactory supporting documentation. For more information on the biometric services fee, please visit the USCIS website at *http://www.uscis.gov.* If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometrics screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at *www.dhs.gov/privacy.*

Refiling a Re-Registration TPS Application After Receiving a Denial of a Fee Waiver Request

You should file as soon as possible within the 60-day re-registration period so USCIS can process your application and issue any EAD promptly. Properly filing early will also allow you to have time to refile your application before the deadline, should USCIS deny your fee waiver request. If, however, you receive a denial of your fee waiver request and are unable to refile by the re-registration deadline, you may still refile your Form I–821 with the biometrics fee. This situation will be reviewed to determine whether you established good cause for late TPS re-registration. However, you are urged to refile within 45 days of the date on any USCIS fee waiver denial notice, if possible. *See* INA section 244(c)(3)(C); 8 U.S.C. 1254a(c)(3)(C); 8 CFR 244.17(b). For more information on good cause for late re-registration, visit the USCIS TPS web page at *http://www.uscis.gov/tps.* Following denial of your fee waiver request, you may also refile your Form I–765 with fee either with your Form I–821 or at a later time, if you choose.

Note: Although a re-registering TPS beneficiary age 14 and older must pay the biometric services fee (but not the Form I–821 fee) when filing a TPS re-registration application, you may decide to wait to request an EAD. Therefore, you do not have to file the Form I–765 or pay the associated Form I–765 fee (or request a fee waiver) at the time of re-registration, and could wait to seek an EAD until after USCIS has approved your TPS re-registration application. If you choose to do this, to re-register for TPS you would only need to file the Form I–821 with the biometrics services fee, if applicable, (or request a fee waiver).

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If you would like to send your application by:	Then, mail your application to:
U.S. Postal Service	U.S. Citizenship and Immigration Services, Attn: TPS Yemen, P.O. Box 6943, Chicago, IL 60680–6943.
A non-U.S. Postal Service courier	U.S. Citizenship and Immigration Services, Attn: TPS Yemen, 131 S. Dearborn Street—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD or are re-registering for the first time following a grant of TPS by an IJ or the BIA, please mail your application to the appropriate mailing address in Table 1. When re-registering and requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us to verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying or registering for TPS on the USCIS website at *www.uscis.gov/tps* under ''Yemen.''

Employment Authorization Document (EAD)

How can I obtain information on the status of my EAD request?

To get case status information about your TPS application, including the status of an EAD request, you can check Case Status Online at *http://www.uscis.gov,* or call the USCIS National Contact Center at 800–375–5283 (TTY 800–767–1833). If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may request an EAD inquiry appointment with USCIS by using the InfoPass system at *https://infopass.uscis.gov.* However, we strongly encourage you first to check Case Status Online or call the USCIS National Contact Center for assistance before making an InfoPass appointment.

Am I eligible to receive an automatic 180-day extension of my current EAD through March 2, 2019, using this ***Federal Register*** *notice?*

Yes. Provided that you currently have a Yemen TPS-based EAD, this **Federal Register** notice automatically extends your EAD through March 2, 2019, if you:

- Are a national of Yemen (or an alien having no nationality who last habitually resided in Yemen); and either
- Have an EAD with a marked expiration date of September 3, 2018, bearing the notation A–12 or C–19 on the face of the card under Category, or
- Have an EAD with a marked expiration date of March 3, 2017, bearing the notation A–12 or C–19 on the face of the card under Category and you applied for a new EAD during the last re-registration period but have not yet received a new EAD.

Although this **Federal Register** notice automatically extends your EAD through March 2, 2019, you must re-register timely for TPS in accordance with the procedures described in this **Federal Register** notice if you would like to maintain your TPS.

When hired, what documentation may I show to my employer as evidence of employment authorization and identity when completing Employment Eligibility Verification (Form I–9)?

You can find a list of acceptable document choices on the ''Lists of Acceptable Documents'' for Form I–9. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization), or one document from List B (which provides evidence of your identity) together with one document from List C (which is evidence of employment authorization), or you may present an acceptable receipt for List A, List B, or List C documents as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional detailed information about Form I–9 on USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central.*

An EAD is an acceptable document under List A. If your EAD has an expiration date of September 3, 2018, or March 3, 2017 (and you applied for a new EAD during the last re-registration period but have not yet received a new EAD), and states A–12 or C–19 under Category, it has been extended automatically by virtue of this **Federal Register** notice and you may choose to present this Notice along with your EAD to your employer as proof of identity and employment eligibility for Form I–9 through March 2, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. If you have an EAD with a marked expiration date of September 3, 2018 that states A–12 or C–19 under Category, and you properly filed for a new EAD in accordance with this Notice, you will also receive Form I–797C, Notice of Action that will state your EAD is automatically extended for 180 days. You may choose to present your EAD to your employer together with this Form I–797C as a List A document that provides evidence of your identity and employment authorization for Form I–9 through March 2, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. See the subsection titled, ''How do my employer and I complete the Employment Eligibility Verification (Form I–9) using an automatically extended EAD for a new job?'' for further information.

To reduce confusion over this extension at the time of hire, you should explain to your employer that your EAD has been automatically extended through March 2, 2019. You may also provide your employer with a copy of this **Federal Register** notice, which explains that your EAD has been automatically extended. As an alternative to presenting evidence of your automatically extended EAD, you may choose to present any other acceptable document from List A, a combination of one selection from List B and one selection from List C, or a valid receipt.

What documentation may I present to my employer for Employment Eligibility Verification (Form I–9) if I am already employed but my current TPS-related EAD is set to expire?

Even though your EAD has been automatically extended, your employer is required by law to ask you about your continued employment authorization no later than before you start work on September 4, 2018. You will need to present your employer with evidence that you are still authorized to work. Once presented, you may correct your employment authorization expiration date in Section 1 and your employer should correct the EAD expiration date in Section 2 of Form I–9. See the subsection titled, ''What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?'' for further information. You may show this **Federal Register** notice to your employer to explain what to do for Form I–9 and to show that your EAD has been automatically extended through March 2, 2019. Your employer may need to reinspect your automatically extended EAD to check the expiration date and Category code if your employer did not keep a copy of this EAD when you initially presented it. In addition, if you have an EAD with a marked expiration date of September 3, 2018 that states A–12 or C–19 under Category, and you properly filed your Form I–765 to obtain a new EAD, you will receive a Form I–797C, Notice of Action. Form I–797C will state that your EAD is automatically extended for 180 days. You may present Form I–797C to your employer along with your EAD to confirm that the validity of your EAD has been automatically extended through March 2, 2019, unless your TPS has been withdrawn or your request for TPS has been denied. To reduce the possibility of gaps in your employment authorization documentation, you should file your Form I–765 to request a new EAD as early as possible during the re-registration period.

The last day of the automatic EAD extension is March 2, 2019. Before you start work on March 3, 2019, your employer must reverify your employment authorization. At that time, you must present any document from List A or any document from List C on Form I–9 Lists of Acceptable Documents, or an acceptable List A or List C receipt described in the Form I–9 Instructions to reverify employment authorization.

By March 3, 2019, your employer must complete Section 3 of the current version of the form, Form I–9 07/17/17 N, and attach it to the previously completed Form I–9, if your original Form I–9 was a previous version. Your employer can check the USCIS' I–9 Central web page at *http://www.uscis.gov/I-9Central* for the most current version of Form I–9.

Note that your employer may not specify which List A or List C document you must present and cannot reject an acceptable receipt.

Can my employer require that I provide any other documentation to prove my status, such as proof of my Yemeni citizenship?

No. When completing Form I–9, including reverifying employment authorization, employers must accept any documentation that appears on the Form I–9 ''Lists of Acceptable Documents'' that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request documentation that does not appear on the ''Lists of Acceptable Documents.'' Therefore, employers may not request proof of Yemeni citizenship or proof of re-registration for TPS when completing Form I–9 for new hires or reverifying the employment authorization of current employees. If presented with EADs that have been automatically extended, employers should accept such documents as a valid List A document so long as the EAD reasonably appears to be genuine and relates to the employee. Refer to the Note to Employees section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

How do my employer and I complete Employment Eligibility Verification (Form I–9) using my automatically extended employment authorization for a new job?

When using an automatically extended EAD to complete Form I–9 for a new job before March 3, 2019, you and your employer should do the following:

1. For Section 1, you should:

a. Check ''An alien authorized to work until'' and enter March 2, 2019, the automatically extended EAD expiration date as the ''expiration date''; and

b. Enter your Alien Number/USCIS number or A-Number where indicated (your EAD or other document from DHS

will have your USCIS number or A-Number printed on it; the USCIS number is the same as your A-Number without the A prefix).

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended by ensuring it is in category A–12 or C–19 and has a September 3, 2018 expiration date (or March 3, 2017 expiration date provided you applied for a new EAD during the last re-registration period but have not yet received a new EAD);

b. Write in the document title;

c. Enter the issuing authority;

d. Provide the document number; and

e. Write March 2, 2019, as the expiration date.

Before the start of work on March 3, 2019, employers must reverify the employee's employment authorization in Section 3 of Form I–9.

What corrections should my current employer and I make to Employment Eligibility Verification (Form I–9) if my employment authorization has been automatically extended?

If you presented a TPS-related EAD that was valid when you first started your job and your EAD has now been automatically extended, your employer may need to re-inspect your current EAD if they do not have a copy of the EAD on file. You may, and your employer should, correct your previously completed Form I–9 as follows:

1. For Section 1, you may:

a. Draw a line through the expiration date in Section 1;

b. Write March 2, 2019, above the previous date; and

c. Initial and date the correction in the margin of Section 1.

2. For Section 2, employers should:

a. Determine if the EAD is auto-extended by ensuring:

- It is in category A–12 or C–19; and
- Has a marked expiration date of September 3, 2018 or March 3, 2017, provided your employee applied for a new EAD during the last re-registration period but has not yet received a new EAD.

b. Draw a line through the expiration date written in Section 2;

c. Write March 2, 2019 above the previous date; and

d. Initial and date the correction in the Additional Information field in Section 2.

Note: This is not considered a reverification. Employers do not need to complete Section 3 until either the 180-day automatic extension has ended or the employee presents a new document to show continued employment authorization, whichever is sooner. By March 3, 2019, when the employee's automatically extended EAD has expired, employers must reverify the employee's employment authorization in Section 3.

If I am an employer enrolled in E-Verify, how do I verify a new employee whose EAD has been automatically extended?

Employers may create a case in E-Verify for these employees by providing the employee's Alien Registration number, USCIS number, and entering the receipt number as the document number on Form I–9 into the document number field in E-Verify.

If I am an employer enrolled in E-Verify, what do I do when I receive a ''Work Authorization Documents Expiration'' alert for an automatically extended EAD?

E-Verify has automated the verification process for employees whose TPS-related EAD was automatically extended. If you have employees who are TPS beneficiaries who provided a TPS-related EAD when they first started working for you, you will receive a ''Work Authorization Documents Expiring'' case alert when the auto-extension period for this EAD is about to expire. The alert indicates that before this employee starts to work on March 3, 2019, you must reverify his or her employment authorization in Section 3 of Form I–9. Employers should not use E-Verify for reverification.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888–464–4218 (TTY 877–875–6028) or email USCIS at *I9Central@dhs.gov.* Calls and emails are accepted in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I–9 and E-Verify), employers may call the U.S. Department of Justice's Civil Rights Division, Immigrant and Employee Rights Section (IER) (formerly the Office of Special Counsel for Immigration-Related Unfair Employment Practices) Employer Hotline at 800–255–8155 (TTY 800–237–2515). IER offers language interpretation in numerous languages. Employers may also email IER at *IER@usdoj.gov.*

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at *I-9Central@dhs.gov.* Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of ''Tentative Nonconfirmation'' (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee's Form I–9 differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee's employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER's Worker Hotline at 800–255–7688 (TTY 800–237–2515). Additional information about proper nondiscriminatory Form I–9 and E-

Verify procedures is available on the IER website at *https://www.justice.gov/ier* and the USCIS website at *http://www.dhs.gov/E-verify.*

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

(1) Your current EAD;

(2) A copy of your Notice of Action (Form I–797C), the notice of receipt, for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;

(3) A copy of your Notice of Action (Form I–797C), the notice of receipt, for your Application for Temporary Protected Status for this re-registration; and

(4) A copy of your Notice of Action (Form I–797), the notice of approval, for a past or current Application for Temporary Protected Status, if you received one from USCIS. Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: *https://save.uscis.gov/casecheck/,* then by clicking the ''Check Your Case'' button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an InfoPass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at *http://www.uscis.gov/save.*

[FR Doc. 2018–17556 Filed 8–10–18; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7001–N–39]

30-Day Notice of Proposed Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* September 13, 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: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax:202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Inez.C.Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person 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. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on April 27, 2018 at 83 FR 18587.

A. Overview of Information Collection

Title of Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS).

OMB Approved Number: 2502–0536.

Type of Request: Extension of currently approved collection.

Form Number: None.

Description of the Need for the Information and Proposed Use: The Single Family Premium Collection Subsystem-Periodic (SFPCS–P) allows the lenders to remit the Periodic Mortgagee Insurance using funds obtained from the mortgagor during the collection of the monthly mortgage payment. The SFPCS–P strengthens HUD's ability to manage and process periodic single-family mortgage insurance premium collections and corrections to submitted data. It also improves data integrity for the Single-Family Mortgage Insurance Program. Therefore, the FHA approved lenders use the automated Clearing House (ACH) application for all transmissions with SFPCS–P. The authority for this collection of information is specified in 24 CFR 203.264 AND 24 CFR 203.269. In general, the lenders use the ACH application to remit the periodic premium payments through SFPCS–P for the required FHA insured cases and to comply with the Credit Reform Act.

Respondents (i.e., Affected Public): Business or other for-profit.

Estimated Number of Respondents: 641.

Estimated Number of Responses: 7,692.

Frequency of Response: 12.

Average Hours per Response: 0.15.

Total Estimated Burdens: 1,153.80.

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.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 8, 2018.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–17445 Filed 8–13–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6109–N–01]

Allocations, Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Disaster Recovery Grantees

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: On April 10, 2018, HUD allocated nearly $28 billion in Community Development Block Grant disaster recovery (CDBG–DR) funds appropriated by the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018. HUD allocated $10.03 billion for the purpose of assisting in addressing unmet needs from disasters that occurred in 2017; $2 billion for improved electrical power systems in areas impacted by Hurricane Maria; and $15.9 billion for mitigation activities. This notice applies only to the $10.03 billion allocated for long-term recovery from disasters that occurred in 2017. A future notice will specify the requirements and process for the electrical power systems funding and the mitigation funds.

This $10.03 billion allocation for addressing unmet recovery needs supplements the $7.4 billion in CDBG–DR funds appropriated by the Supplemental Appropriations for Disaster Relief Requirements Act, 2017, which allocated funds to Texas, Florida, Puerto Rico, and the U.S. Virgin Islands in response to qualifying disasters in 2017. In HUD's **Federal Register** notice published on February 9, 2018 (the ''Prior Notice''), HUD described those allocations, applicable waivers and alternative requirements, relevant statutory and regulatory requirements, the grant award process, criteria for action plan approval, and eligible disaster recovery activities.

DATES: *Applicability Date:* August 20, 2018.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Acting Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW, Room 10166, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Facsimile inquiries may be sent to Ms. Kome at 202–708–0033. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

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I. Allocations

The Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (Division B, Subdivision 1 of the Bipartisan Budget Act of 2018), approved February 9, 2018 (Pub. L. 115–123) (the ''Appropriations Act''), appropriated nearly $28 billion in CDBG–DR funds. Of this amount, up to $16 billion is available to address unmet disaster recovery needs through activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the ''most impacted and distressed'' areas (identified by HUD using the best available data) resulting from a major declared disaster that occurred in 2017. Amounts allocated for these purposes supplement $7.4 billion in CDBG–DR funds appropriated on September 8, 2017, by the Supplemental Appropriations for Disaster Relief Requirements, 2017 (Pub. L. 115–56) (the ''Prior Appropriation''). HUD allocated the first $7.4 billion in the Prior Notice (83 FR 5844, February 9, 2018). This notice amends the Prior Notice to ensure consistency across allocations for the same qualifying disasters, and to give effect to requirements of the Appropriations Act, including that funds allocated under the Prior Notice are subject to the terms and conditions applicable to CDBG–DR funds under the Appropriations Act.

Based on the remaining unmet needs allocation methodology outlined in Appendix A, this notice allocates $10,030,484,000 for unmet disaster recovery needs under the Appropriations Act. The allocation amounts for unmet recovery needs included in Table 1 exclude the $2 billion set-aside for Puerto Rico and the Virgin Islands for electrical system improvements. The Appropriations Act further provided that of the nearly $28 billion, HUD must allocate not less than $12 billion for mitigation activities undertaken by grantees receiving an allocation of CDBG–DR funds for recovery from 2015, 2016, or 2017 disasters. On April 10, 2018, HUD announced that after addressing remaining 2017 unmet needs, HUD would allocate an additional $3.9 billion for mitigation, bringing the amount designated for mitigation to $15.9 billion. A subsequent notice will govern the allocations for mitigation and the allocations for electrical power system enhancements and improvements.

In accordance with the Appropriations Act, $10,000,000 of the total amounts appropriated under the Act will be transferred to the Department's Office of Community Planning and Development (CPD), Program Office Salaries and Expenses, for necessary costs of administering and overseeing CDBG–DR funds made available under the Appropriations Act and $15,000,000 is to be transferred to the CPD office to provide necessary capacity building and technical assistance to grantees. The Appropriations Act also provides $10,000,000 to the Department's Office of the Inspector General for oversight of the appropriated CDBG–DR funds.

Although the Prior Notice requires each grantee to primarily consider and address its unmet housing recovery needs, grantees under this notice and the Prior Notice may also propose an allocation of funds that includes unmet economic revitalization and infrastructure needs that are unrelated to unmet housing needs after the grantee demonstrates in its needs assessment that there is no remaining unmet

housing need or that the remaining unmet housing need will be addressed by other sources of funds. The law provides that grants shall be awarded directly to a State, local government, or Indian tribe at the discretion of the Secretary. To comply with statutory direction that funds be used for disaster-related expenses in the most impacted and distressed areas, HUD allocates funds using the best available data that cover all eligible affected areas.

Pursuant to the Appropriations Act, HUD has identified the most impacted and distressed areas based on the best available data for all eligible affected areas. A detailed explanation of HUD's allocation methodology is provided in Appendix A of this notice. For Puerto Rico and the U.S. Virgin Islands, all components of each territory are considered most impacted and distressed as defined in Table 1. For all other grantees, at least 80 percent of all allocations provided to the grantee under the Prior Notice and this notice must address unmet disaster needs within the HUD-identified most impacted and distressed areas, as identified in the last column of Table 1. These grantees may determine where to use the remaining 20 percent of their allocation, but that portion of the allocation may only be used to address unmet disaster needs in those areas that the grantee determines are ''most impacted and distressed'' and that received a presidential major disaster declaration pursuant to the disaster numbers listed in Table 1.

Based on further review of the impacts from the eligible disasters, and estimates of unmet need, Table 1 shows the areas and the minimum amount of funds from the combined allocations under the Appropriations Act and the Prior Appropriation that must be expended in the HUD-identified most impacted and distressed areas. For some grantees funded under the Prior Appropriation, updated data and methodology led to additional areas being defined as most impacted and distressed. Therefore, the most impacted and distressed areas identified in Table 1 of this notice amend the Prior Notice to replace the most impacted and distressed areas identified in Table 1 of the Prior Notice. The areas are listed alphabetically by county/municipio/island and numerically by Zip Code and govern all CDBG–DR funds allocated for unmet needs from the 2017 disasters identified in Table 1.

TABLE 1—ALLOCATIONS FOR UNMET NEEDS UNDER PUBLIC LAWS 115–56 AND 115–123

Disaster No.	Grantee	Allocation under Public Law 115–56 (covered by previous Notice 83 FR 5844)	Unmet needs allocation under Public Law 115–123 (covered by this Notice) *	Combined allocation for unmet needs (Pub. L. 115–56 and Pub. L. 115–123) *	Minimum combined amount from Public Law 115–56 and Public Law 115–123 that must be expended for unmet needs recovery in the HUD-identified ''most impacted and distressed'' areas listed herein
4344 and 4353	State of California	$0	$124,155,000	$124,155,000	(No less than $99,324,000) Sonoma and Ventura counties; 93108, 94558, 95422, 95470, and 95901 Zip Codes.
4337 and 4341	State of Florida	615,922,000	157,676,000	773,598,000	(No less than $618,878,400) Brevard, Broward, Clay, Collier, Duval, Hillsborough, Lee, Miami-Dade, Monroe, Orange, Osceola, Palm Beach, Polk, St. Lucie, and Volusia counties; 32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 33935, and 34266 Zip Codes.
4294, 4297, and 4338.	State of Georgia	0	37,943,000	37,943,000	(No less than $30,354,400) 31520, 31548, and 31705 Zip Codes.
4317	State of Missouri	0	58,535,000	58,535,000	(No less than $46,828,000) 63935, 63965, 64850, 65616, and 65775 Zip Codes.
4336 and 4339	Commonwealth of Puerto Rico.	1,507,179,000	8,220,783,000	9,727,962,000	($9,727,962,000) All components of Puerto Rico.***
4332	State of Texas **	5,024,215,000	652,175,000	5,676,390,000	(No less than $4,541,112,000) Aransas, Brazoria, Chambers, Fayette, Fort Bend, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Montgomery, Newton, Nueces, Orange, Refugio, San Jacinto, San Patricio, Victoria, and Wharton counties; 75979, 77320, 77335, 77351, 77414, 77423, 77482, 77493, 77979, and 78934 Zip Codes.
4335 and 4340	U.S. Virgin Islands	242,684,000	779,217,000	1,021,901,000	($1,021,901,000) All components of the U.S. Virgin Islands.

* The $2 billion required for electric grid enhancements and improvements are considered unmet needs for allocation purposes, but the allocation and use of the funds will be governed by a forthcoming notice and thus are not included in this table.

** State of Texas has also received $57.8 million for disaster recovery in respect to Hurricane Harvey from Public Law 115–31 that is not reflected here.

*** The areas defined as most impacted in HUD's formula calculation include more than 68 of Puerto Rico's 78 municipios as Most Impacted Counties and all 10 municipios that are non-Most Impacted Counties do each have a Most Impacted Zip Code. This results in nearly 100% coverage of Puerto Rico both in terms of geography and population, so for program implementation purposes, HUD has determined to include all areas of Puerto Rico as Most Impacted.

Grantees may use up to 5 percent of the total combined grant award for grant administration. Therefore, for grantees other than Puerto Rico and the U.S. Virgin Islands, HUD will include 80 percent of a grantee's expenditures for grant administration in its determination that 80 percent of the total award has been expended in the most impacted and distressed areas identified in Table 1. Additionally, for grantees other than Puerto Rico and U.S. Virgin Islands, expenditures for planning activities may be counted towards a grantee's 80 percent

expenditure requirement, provided that the grantee describes in its action plan how those planning activities benefit the HUD-identified most impacted and distressed areas.

II. Use of Funds

Unless otherwise indicated, funds allocated under this notice and under the Prior Notice are subject to the requirements of this notice and the Prior Notice (as amended). This notice outlines additional requirements imposed by Public Laws 115–141 and 115–123 that apply to funds allocated under this notice and the Prior Notice. These requirements are outlined in section IV.A.1 and 2 of this notice.

The Appropriations Act requires that prior to the obligation of CDBG–DR funds by the Secretary, a grantee shall submit a plan to HUD for approval detailing the proposed use of all funds. The plan must include the criteria for eligibility, and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas. This notice requires the grantee to submit an action plan that addresses unmet recovery needs related to the applicable disasters. Therefore, the action plan submitted in response to this notice must describe uses and activities that: (1) Are authorized under title I of the Housing and Community Development Act of 1974 (HCD Act) or allowed by a waiver or alternative requirement (see section IV below); and (2) respond to disaster-related impacts to infrastructure, housing, and economic revitalization in the most impacted and distressed areas. Additionally, grantees may include disaster related preparedness and mitigation measures as part of assisted activities as authorized pursuant to paragraph A.2.c.(4) of section VI of the Prior Notice. Grantees must conduct an assessment of community impacts and unmet needs to inform the plan and guide the development and prioritization of planned recovery activities, pursuant to paragraph A.2.a. in section VI of the Prior Notice, as amended in this notice.

An alternative requirement established by the Prior Notice authorized the U.S. Virgin Islands to administer a CDBG–DR allocation in accordance with the regulatory and statutory provisions governing the State CDBG program, as modified by applicable waivers and alternative requirements. Therefore, all references to States and State grantees in this notice and the Prior Notice include the U.S. Virgin Islands.

III. Overview Grant Process

A. Appropriations Act (Pub. L. 115–123) Initial Action Plan Process

Grantees receiving an initial allocation under this notice for disasters occurring in 2017 (California, Georgia, and Missouri) must submit an action plan per the requirements in section VI.A.2. of the Prior Notice not later than 120 days after the applicability date of this notice. All requirements of the Prior Notice related to the action plan submission apply except the public comment period, which has been extended to no less than 30 calendar days under this notice. Grantees must publish the action plan in a manner that affords citizens, affected local governments, and other interested parties a reasonable opportunity to examine the contents and provide feedback. The manner of publication must include, at a minimum, prominent posting on the grantee's official website for not less than 30 calendar days for public comment. These grantees must also submit the Financial Management and Grant Compliance submissions and the Pre-Award Implementation Plan per section VI.A.1 of the Prior Notice within 60 days of the applicability date of this notice.

B. Prior Appropriation (Pub. L. 115–56) Substantial Amendment Process To Incorporate Additional Funds

Each grantee that received an allocation pursuant to the Prior Appropriation (Texas, Florida, Puerto Rico, and U.S. Virgin Islands) is required to submit a substantial amendment amending the initial action plan that was submitted in response to the Prior Notice. The substantial amendment must be submitted not later than 90 days after the initial action plan is approved in whole or in part by HUD or not later than 90 days after the applicability date of this notice, whichever comes later. The substantial amendment must include the additional allocation of funds and address the requirements of this notice. For the Commonwealth of Puerto Rico, the substantial amendment must be reviewed for consistency with the Commonwealth's 12- and 24-month economic and disaster recovery plan required by Section 21210 of Public Law 115–123, the Commonwealth's fiscal plan, and CDBG–DR eligibility. The certification of financial controls and procurement processes and the Department's determination of the adequacy of the grantee's implementation and capacity assessment pursuant to the Prior Notice, shall remain in effect for this allocation. Provided, however, that grantees shall be required to update the Financial Management and Grant Compliance submissions and the Pre-Award Implementation Plan per section VI.A.1 of the Prior Notice to reflect any material changes in the submissions.

Additionally, each grantee that received an allocation under the Prior Notice must meet the following requirements to amend the initial action plan. These steps are only applicable to the substantial amendment process to add the additional allocation under this notice.

- Grantee must consult with affected citizens, stakeholders, local governments, and public housing authorities to determine updates to its needs assessment;
- Grantee must amend its initial action plan to update its impact and needs assessment, modify or create new activities, or reprogram funds. Each amendment must be highlighted, or otherwise identified within the context of the entire action plan. The beginning of every substantial amendment must include a: (1) Section that identifies exactly what content is being added, deleted, or changed; (2) chart or table that clearly illustrates where funds are coming from and where they are moving to; and (3) a revised budget allocation table that reflects all funds;
- Grantee must publish the substantial amendment to its previously approved action plan for disaster recovery in a manner that affords citizens, affected local governments, and other interested parties a reasonable opportunity to examine the amendment's contents and provide feedback. The manner of publication must include, at a minimum, prominent posting on the grantee's official website for not less than 30 calendar days for public comment (see section VI.A.4.e of the Prior Notice for details about the website requirements);
- Grantee must respond to public comment and submit its substantial amendment to HUD no later than 90 days after the grantee's initial action plan is approved in whole or in part by HUD or not later than 90 days after the applicability date of this notice, whichever comes later. The substantial amendment submitted to HUD must also be prominently posted on the grantee's official website;
- HUD will review the substantial amendment within 45 days from date of receipt and determine whether to approve the substantial amendment per criteria identified in this notice and the Prior Notice;
- HUD will send a substantial amendment approval letter, revised

grant conditions, and an amended unsigned grant agreement to the grantee. If the substantial amendment is not approved, a letter will be sent identifying its deficiencies; the grantee must then re-submit the substantial amendment within 45 days of the notification letter;

• Grantee must ensure that the HUD-approved substantial amendment and initial HUD-approved action plan are posted prominently on its official website. Each grantee's current version of its entire action plan must be accessible for viewing as a single document at any given point in time, rather than the public or HUD having to view and cross-reference changes among multiple amendments;

• Grantee must enter the activities from its published substantial amendment into the Disaster Recovery Grant Reporting (DRGR) system and submit the updated DRGR action plan (revised to reflect the substantial amendment) to HUD within the DRGR system;

• Grantee must sign and return the grant agreement to HUD;

• HUD will sign the grant agreement and revise the grantee's CDBG–DR line of credit amount to reflect the total amount of available funds;

• Grantee may draw down CDBG–DR funds from its line of credit after the Responsible Entity completes applicable environmental review(s) pursuant to 24 CFR part 58, or adopts another Federal agency's environmental review as authorized under the Appropriations Act and the Prior Appropriation, and, as applicable, receives from HUD the Authority to Use Grant Funds (AUGF) form and certification;

• Grantee must amend and submit its projection of CDBG–DR expenditures and performance outcomes with the substantial amendment.

IV. Applicable Rules, Statutes, Waivers, and Alternative Requirements

This section of the notice describes rules, statutes, waivers, and alternative requirements that apply to allocations under this notice or the Prior Notice. The Secretary has determined that good cause exists for each waiver and alternative requirement established in this notice, and for the extension of waivers and alternative requirements in the Prior Notice to allocations made under this notice, and that the waivers and alternative requirements are not inconsistent with the overall purpose of the HCD Act.

Grantees may request additional waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities. Waivers and alternative requirements are effective five (5) days after they are published in the **Federal Register**.

A. Grant Administration

1. *Applicability of waivers, alternative requirements, and other requirements.* All funds allocated under the Prior Notice and this notice are subject to the requirements of this notice and the Prior Notice. The waivers, alternative requirements, and other provisions of the Prior Notice, as amended, are also incorporated and made applicable to funds allocated under this notice. The waivers and alternative requirements provide additional flexibility in program design and implementation to support full and swift recovery following the disasters, while also ensuring that statutory requirements under the Appropriations Act, the Prior Appropriation, as well as requirements in Public Laws 115–141 and 115–72, made applicable by the terms of the Appropriations Act and the Prior Appropriation, are met.

2. *Additional requirements and modifications of requirements in the Prior Notice.* The following clarifications or modifications apply to all grantees in receipt of an allocation under this notice and to funds allocated under the Prior Notice:

a. Substantial amendments for grantees receiving an allocation of funds under the Prior Notice. Grantees that received an allocation under the Prior Notice (Texas, Florida, Puerto Rico, and U.S. Virgin Islands) must submit a substantial amendment, including an updated needs assessment, per the requirements outlined in this notice, in addition to meeting the requirements for substantial amendments under the Prior Notice.

b. Action plan and other submission requirements for grantees receiving an initial allocation under this notice. Grantees that did *not* receive an allocation under the Prior Notice (California, Georgia, and Missouri) shall be subject to deadlines for the submission of financial controls and procurement processes, implementation plans, and action plans, as established in the Prior Notice, which shall be based upon the applicability date of this notice. Grantees that did not receive an allocation under the Prior Notice must submit an action plan not later than 120 days after the applicability date of this notice.

c. Cost or price analysis. References in the Prior Notice to ''an evaluation of the cost and price of a product or service'' and to the ''evaluation of the cost or price of a product or service'' shall be read to require ''an evaluation of the cost or price of a product or service.''

d. Additional requirements for the comprehensive disaster recovery website. The Prior Notice requires all grantees to maintain a comprehensive disaster recovery website. The Appropriations Act requires that certain content be included on a CDBG–DR grantee's website. These requirements apply to funds allocated under this notice and the Prior Notice. Each grantee must maintain on its comprehensive disaster recovery website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts, and details of ongoing procurement processes, as determined by the Secretary. HUD will post guidance related to this requirement on the HUD exchange website.

e. Working capital to aid in recovery. The Appropriations Act provides that grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery with funds allocated under this notice or the Prior Notice. This proviso does not establish a new eligible activity. All funds to assist small businesses for working capital must be expended for eligible CDBG activities that meet a national objective and the other requirements applicable to the use of funds.

f. Underwriting. Notwithstanding section 105(e)(1) of the HCD Act, no funds allocated under this notice or the Prior Notice may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines developed by HUD pursuant to section 105(e)(2) for evaluating and selecting economic development projects. States and their subrecipients are required to comply with the underwriting guidelines in Appendix A to 24 CFR part 570 if they are using grant funds to provide assistance to a for-profit entity for an economic development project under section 105(a)(17) of the HCDA. The underwriting guidelines are found at Appendix A of Part 570. *https://www.ecfr.gov/cgi-bin/text-idx?SID=88dced3d630ad9fd8ab91268dd829f1e&mc=true&node=ap24.3.570_1913.a&rgn=div9.*

g. Limitation on use of funds for eminent domain. No funds allocated under this notice or the Prior Notice

may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For purposes of this paragraph, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. 107–118) shall be considered a public use for purposes of eminent domain.

3. *Citizen participation waiver and alternative requirement.* Section VI.A.4 of the Prior Notice established citizen participation requirements for input on grantee action plans and substantial amendments. To ensure adequate citizen participation and access to action plans and substantial amendments, the Department is deleting and replacing the first paragraph in section VI.A.4 and the entirety of section VI.A.4.a of the Prior Notice with the following to extend the minimum amount of time grantees are required to publish action plans and substantial amendments for public comment from 14 calendar days to at least 30 calendar days. These paragraphs shall apply to initial action plans and all substantial amendments submitted pursuant to this notice.

''4. *Citizen participation waiver and alternative requirement.* To permit a more streamlined process and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c), with respect to citizen participation requirements, are waived and replaced by the requirements below. The streamlined requirements do not mandate public hearings but do require the grantee to provide a reasonable opportunity (at least 30 days) for citizen comment and ongoing citizen access to information about the use of grant funds. The streamlined citizen participation requirements for a grant under this notice are:

a. *Publication of the action plan, opportunity for public comment, and substantial amendment criteria.* Before the grantee adopts the action plan for this grant or any substantial amendment to the action plan, the grantee will publish the proposed plan or amendment. The manner of publication must include prominent posting on the grantee's official website and must afford citizens, affected local governments, and other interested parties a reasonable opportunity to examine the plan or amendment's contents. The topic of disaster recovery should be navigable by citizens from the grantee's (or relevant agency's) homepage. Grantees are also encouraged to notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

Grantees are responsible for ensuring that all citizens have equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP). Each grantee must ensure that program information is available in the appropriate languages for the geographic areas to be served and take appropriate steps to ensure effective communications with persons with disabilities pursuant to 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act. Since State grantees under this notice may make grants throughout the State, including to entitlement communities, States should carefully evaluate the needs of persons with disabilities and those with limited English proficiency. For assistance in ensuring that this information is available to LEP populations, recipients should consult the *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,* published on January 22, 2007, in the **Federal Register** (72 FR 2732) and at: *https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf*

Subsequent to publication of the action plan, the grantee must provide a reasonable time frame (again, no less than 30 days) and method(s) (including electronic submission) for receiving comments on the plan or substantial amendment. In its action plan, each grantee must specify criteria for determining what changes in the grantee's plan constitute a substantial amendment to the plan. At a minimum, the following modifications will constitute a substantial amendment: A change in program benefit or eligibility criteria; the addition or deletion of an activity; or the allocation or reallocation of a monetary threshold specified by the grantee in its action plan. The grantee may substantially amend the action plan if it follows the same procedures required in this notice for the preparation and submission of an action plan for disaster recovery.''

4. *Cost Verification.* Section VI.A.2.a of the Prior Notice established the requirements for contents of action plans submitted in response to the Prior Notice and this notice. To further strengthen the ability of grantees to demonstrate that project costs funded with CDBG–DR are necessary and reasonable, section VI.A.2.a of the Prior Notice is amended by adding a new paragraph (14) to read as follows. This requirement shall apply to the substantial amendment submitted by Puerto Rico, Texas, Florida, and the U.S. Virgin Islands pursuant to section IV.A.2.a of this notice:

''14. A description of the grantee's controls for assuring that construction costs are reasonable and consistent with market costs at the time and place of construction. The method and degree of analysis may vary dependent upon the circumstances surrounding a particular project (e.g., project type, risk, costs), but the description must address controls for housing projects involving eight or more units (whether new construction, rehabilitation, or reconstruction), economic revitalization projects (involving, construction, rehabilitation or reconstruction), and infrastructure projects. HUD may issue guidance to grantees and may require a grantee to verify cost reasonableness from an independent and qualified third-party architect, civil engineer, or construction manager.''

5. *Additional Specific Criteria and Conditions to Mitigate Risk.* HUD is required to design an internal control plan for disaster relief funding based on standard guidance issued by the Director of the Office of Management and Budget on March 30, 2018, to address known internal control risks related to disaster funding provided under the Appropriations Act and the Prior Appropriation. Both the

Appropriations Act and the Prior Appropriation also require the Secretary to certify in advance of signing a grant agreement, that the grantee has proficient financial controls and procurement processes, and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), ensure timely expenditure of funds, maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and detect and prevent waste, fraud, and abuse of funds. Additionally, 2 CFR 200.205 requires the Department to assess the risk of each grantee and 2 CFR 200.207(a) provides that specific conditions may be placed on the grant award based upon that assessment of risk. To ensure the effective implementation of the internal controls discussed above, the Department is adding a new paragraph VI.A.32 to the Prior Notice. This paragraph will also apply to funds provided under this notice as well as the Prior Notice:

''32. *Additional Criteria and Specific Conditions to Mitigate Risk.* To ensure the effective implementation of the internal control plan required under the Appropriations Act and grantee implementation of the financial controls, procurement processes, and other procedures that are the subject of the certification by the Secretary, the Department has and may continue to establish specific criteria and conditions for each grant award as provided for at 2 CFR 200.205 and 200.207(a), respectively, to mitigate the risk of the grant. The Secretary shall specify any such criteria and the resulting conditions in the grant conditions governing the award. These criteria may include, but need not be limited to, a consideration of the internal control framework established by the grantee to ensure compliant implementation of its financial controls, procurement processes and payment of funds to eligible entities, as well as the grantee's risk management strategy for information technology systems established to implement CDBG–DR funded programs. Additionally, the Secretary may amend the grant conditions to mitigate risk of a grant award at any point at which the Secretary determines a condition to be required to protect the Federal financial interest or to advance recovery.''

6. *Clarification of Waiver of Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).* The Prior Notice established a waiver associated with Section 414 of the Stafford Act for homeowner occupants and tenants displaced because of the disaster. The waiver is applicable to ''CDBG–DR funded projects commencing more than one year after the date of the Presidentially declared disaster.'' The Department is amending this provision to clarify the point at which a project is determined to have ''commenced,'' by amending paragraph VI.A.23.f of the Prior Notice by replacing it in its entirety with the following:

''f. *Waiver of Section 414 of the Stafford Act.* Section 414 of the Stafford Act (42 U.S.C. 5181) provides that ''Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) [42 U.S.C. 4601 et seq.] [''URA''] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set by [the URA].'' Accordingly, homeowner occupants and tenants displaced from their homes as a result of the identified disasters and who would have otherwise been displaced as a direct result of any acquisition, rehabilitation, or demolition of real property for a federally funded program or project may become eligible for a replacement housing payment notwithstanding their inability to meet occupancy requirements prescribed in the URA. Section 414 of the Stafford Act (including its implementing regulation at 49 CFR 24.403(d)(1)), is waived to the extent that it would apply to real property acquisition, rehabilitation or demolition of real property for a CDBG–DR funded project commencing more than one year after the date of the latest applicable Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway prior to the disaster. For purposes of this paragraph, a CDBG–DR funded project shall be determined to have commenced on the earliest of: (1) The date of an approved Request for Release of Funds and certification, or (2) the date of completion of the site-specific review when a program utilizes Tiering, or (3) the date of sign-off by the approving official when a project converts to exempt under 24 CFR 58.34(a)(12). The Department has surveyed other Federal agencies' interpretation and implementation of Section 414 and found varying views and strategies for long-term, post-disaster projects involving the acquisition, rehabilitation, or demolition of disaster-damaged housing. The Secretary has the authority to waive provisions of the Stafford Act and its implementing regulations that the Secretary administers in connection with the obligation of funds made available by this notice, or the grantees' use of these funds. The Department has determined that good cause exists for a waiver and that such waiver is not inconsistent with the overall purposes of title I of the HCD Act.

(1) The waiver will simplify the administration of the disaster recovery process and reduce the administrative burden associated with the implementation of Stafford Act Section 414 requirements for projects commencing more than one year after the date of the Presidentially declared disaster considering most of such persons displaced by the disaster will have returned to their dwellings or found another place of permanent residence.

(2) This waiver does not apply with respect to persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. Such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.''

7. *Clarification of the Environmental Review requirements.* The Prior Notice provided guidance on the adoption of another Federal agency's environmental review for CDBG–DR projects as permitted by the Prior Appropriation. The Appropriations Act goes beyond the Prior Appropriation and authorizes recipients of CDBG–DR funds under the Appropriations Act that use such funds to supplement Federal assistance provided under section 408(c)(4) of the Stafford Act to adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency to satisfy responsibilities with respect to environmental review, approval or permit. Accordingly, the Department is amending paragraph VI.A.24.b of the Prior Notice by replacing it in its entirety with the following:

''b. *Adoption of another agency's environmental review.* In accordance with the Appropriations Act, grant recipients of Federal funds that use such funds to supplement Federal assistance provided under section 408(c)(4) as well as sections 402, 403, 404, 406, 407 or 502 of the Stafford Act may adopt, without review or public comment, any environmental review, approval, or

permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit that is required by the HCD Act. The grant recipient must notify HUD in writing of its decision to adopt another agency's environmental review. The grant recipient must retain a copy of the review in the grantee's environmental records.''

8. *Low- and moderate-income national objective standard (Commonwealth of Puerto Rico only).* Section 102(a)(20) of the HCD Act defines ''persons of low and moderate income'' and ''low- and moderate income persons.'' Subparagraph (B) of this definition authorizes the Secretary to establish for any area percentages of median income that are higher or lower than the percentages defined as ''low- and moderate-income'' under 102(a)(20)(A), if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such areas. Due to the unusually low incomes in Puerto Rico, residents that meet the CDBG program definition of ''low- and moderate-income'' by having incomes of 80 percent AMI or less, also remain below the Federal poverty level. Therefore, the Department is increasing the income limits for low- and moderate-income persons in Puerto Rico, which will be listed in income tables posted on the HUD Exchange website. Under this adjustment, Puerto Rico may use these alternative income limits when determining that activities undertaken with CDBG–DR funds meet the low- and moderate-income benefit CDBG national objective criteria. These income limits apply only to the use of CDBG–DR funds under this notice and the Prior Notice.

B. Housing

9. *Modification of Affordability Periods.* The Prior Notice imposed a twenty-year (20-year) affordability period for all rental properties assisted with CDBG–DR funds under the Prior Appropriation. The Department, however, is amending this requirement to apply the affordability requirements to rental projects as defined below. The Department is amending paragraph VI.B.34 of the Prior Notice by replacing it in its entirety with the following:

''34. *Addressing Unmet Affordable Rental Housing Needs.* The grantee must identify in its action plan how it will address the rehabilitation, reconstruction, replacement, and new construction of rental housing that is affordable to low- and moderate-income households in the most impacted and distressed areas and ensure that adequate funding from all available sources, including CDBG–DR grant funds, are dedicated to addressing the unmet needs identified in its action plan pursuant to paragraph A.2.a.(3) of section VI of this notice. To meet the low- and moderate-income housing national objective, affordable rental housing funded under this notice must be rented to a low- and moderate-income person at affordable rents. This notice requires grantees to impose the following minimum affordability periods enforced with recorded use restrictions, covenants, deed restrictions, or other mechanisms to ensure that rental housing remains affordable for the required period of time:

Rental housing activity	Minimum period of affordability (years)
Rehabilitation or reconstruction of multi-family rental projects with eight or more units	15
New construction multi-family rental projects with five or more units	20

The action plan must, at a minimum, provide (1) a definition of ''affordable rents''; (2) the income limits for tenants of rental housing that is rehabilitated, reconstructed or constructed with CDBG–DR funds; and (3) a minimum affordability period of fifteen (15) years for the rehabilitation or reconstruction of multi-family rental projects with eight or more units, and a minimum affordability period of twenty (20) years for the new construction of multi-family rental units with five or more units. If a rental project that requires rehabilitation or reconstruction is subject to existing affordability requirements associated with other funding sources, grantees may provide in their action plan that the 15-year affordability period required under this notice may run concurrently (or overlap) with the affordability requirements associated with such other funding.

10. *Affordability Period for New Construction of Single-Family LMI Homeowner Housing.* Grantees receiving funds under this notice are required to implement a minimum five-year affordability period on all newly constructed single-family housing that is to be made available for low- and moderate-income homeownership. This requirement for an affordability period does not apply to the rehabilitation or reconstruction of single-family housing. This notice requires grantees to develop and impose affordability (i.e., resale and recapture) restrictions for single-family housing newly constructed with CDBG–DR funds and made available for affordable homeownership to low- and moderate-income persons, and to enforce those restrictions through recorded deed restrictions, covenants, or other similar mechanisms, for a period not less than five years. Grantees shall establish resale or recapture requirements for housing funded pursuant to this paragraph and shall outline those requirements in the action plan or substantial amendment in which the activity is proposed. The resale and recapture provisions must clearly describe the terms of the resale and recapture provisions, the specific circumstances under which these provisions will be used, and how the provisions will be enforced.

11. *CDBG–DR Housing Assistance and FEMA's Permanent and Semi-Permanent Housing Programs.* The Prior Appropriation and the Appropriations Act prohibit the use of CDBG–DR funds for activities that are reimbursable by FEMA and the U.S. Army Corps of Engineers. In addition, paragraph VI.A.25 of the Prior Notice requires grantees to ensure that CDBG–DR funds are not used to duplicate funding provided by these agencies or any other potential sources of assistance. As with all sources of FEMA assistance, grantees are reminded that in jurisdictions in which FEMA has implemented its Permanent or Semi-Permanent Housing program, grantees must ensure that CDBG–DR funds are not used in violation of the above two prohibitions. Grantees must also establish policies and procedures to provide for the repayment of a CDBG–DR award when assistance is subsequently provided for that same purpose from FEMA or other sources.

12. *Rehabilitation and Reconstruction Cost-Effectiveness.* In its **Federal Register** notice allocating additional CDBG–DR funds for Louisiana floods and 2016 disasters (82 FR 5591), the Department required grantees receiving funds under that notice to consider cost-effectiveness of residential rehabilitation or reconstruction projects relative to other alternatives. In this notice, the Department is similarly requiring each grantee to establish policies and procedures to assess the cost-effectiveness of each proposed project undertaken to assist a household under any residential rehabilitation or reconstruction program funded under this notice or the Prior Notice. The policies and procedures must address criteria for determining when the cost of the rehabilitation or reconstruction of the unit will not be cost-effective relative to other means of assisting the property-owner, such as buyout or acquisition of the property, or the construction of area-wide protective infrastructure, rather than individual building mitigation solutions designed to protect individual structures (such as elevating an existing structure). For example, as the grantee in designing its program, it might choose as comparison criteria the rehabilitation costs derived from the RS Means Residential Cost Data and costs to buyout or acquire the property as a means of determining whether to fund a rehabilitation project. A grantee may also consider offering different housing alternatives, as appropriate, such as manufactured housing options. A grantee may find it necessary to provide exceptions on a case-by-case basis to the maximum amount of assistance or cost effectiveness criteria and must describe the process it will use to make such exceptions in its policies and procedures. Each grantee must adopt policies and procedures that communicate how it will analyze the circumstances under which an exception is needed, how it will demonstrate that the amount of assistance is necessary and reasonable, and how the grantee will make reasonable accommodations to provide accessibility features necessary to accommodate an occupant with a disability. All CDBG–DR expenditures remain subject to the cost principles in 2 CFR part 200, subpart E—Cost Principles, including the requirement that costs be necessary and reasonable for the performance of the grantee's CDBG–DR grant.

C. Infrastructure

13. *Infrastructure planning and design.* CDBG–DR allocations provided for under this notice are informed in part by the Department's assessment of unmet infrastructure needs and accordingly, the Department is establishing infrastructure planning and design requirements for grantees subject to the provisions of this notice and the Prior Notice. For funds allocated pursuant to the Prior Notice and this notice, the Department is requiring grantees to address long-term recovery and hazard mitigation planning in the action plan or substantial amendment, whichever is applicable under this notice. Each grantee must include a description of how the grantee plans to:

a. Promote sound, sustainable long-term recovery planning informed by a post-disaster evaluation of hazard risk, especially land-use decisions that reflect responsible flood plain management and take into account future possible extreme weather events and other natural hazards and long-term risks;

b. Adhere to the elevation requirements established in paragraph B.32.e of section VI of the Prior Notice;

c. Coordinate with local and regional planning efforts to ensure consistency, including how the grantee will promote community-level and/or regional (e.g., multiple local jurisdictions) post-disaster recovery and mitigation planning;

d. For infrastructure allocations, the grantee must also describe:

i. How mitigation measures will be integrated into rebuilding activities and the extent to which infrastructure activities funded through this grant will achieve objectives outlined in regionally or locally established plans and policies that are designed to reduce future risk to the jurisdiction;

ii. How infrastructure activities will be informed by a consideration of the costs and benefits of the project;

iii. How the grantee will seek to ensure that infrastructure activities will avoid disproportionate impact on vulnerable populations as referenced in paragraph A.2.a(4) of section VI in the Prior Notice and create opportunities to address economic inequities facing local communities;

iv. How the grantee will align investments with other planned state or local capital improvements and infrastructure development efforts, and will work to foster the potential for additional infrastructure funding from multiple sources, including existing state and local capital improvement projects in planning, and the potential for private investment; and

v. The extent to which the grantee will employ adaptable and reliable technologies to guard against premature obsolescence of infrastructure.

Grantees are encouraged to review the additional guidance on predevelopment principles are described in the Federal Resource Guide for Infrastructure Planning and Design: (*http://portal.hud.gov/hudportal/documents/huddoc?id=BAInfraResGuideMay2015.pdf*)

14. *Discipline and Accountability in the Environmental Review and Permitting of Infrastructure Projects.* Executive Order 13807, signed by the President on August 15, 2017, establishes a coordinated, predictable, and transparent process for the review and permitting of infrastructure projects. In addition, the Federal Permitting Improvement Steering Council has issued a standard operating procedure to coordinate Federal agency reporting on the environmental review and permitting of covered projects pursuant to the Fixing America's Surface Transportation Act (FAST–41) (Pub. L. 114–94). Under FAST–41, a covered project is defined as any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that (1) is subject to National Environmental Policy Act of 1969 (NEPA); is likely to require a total investment of more than $200,000,000; and does not qualify for abbreviated authorization or environmental review processes under any applicable law; or (2) is subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require authorization from or environmental review involving more than two Federal agencies; or the preparation of an environmental impact statement under NEPA. CDBG–DR grantees may choose to participate in reporting on their environmental review and permitting of covered projects under FAST–41.

15. *CDBG–DR Funds as Match for FEMA 428 Public Assistance Projects.* In response to a disaster, FEMA may implement, and grantees may elect to follow alternative procedures for FEMA's Public Assistance Program, as authorized pursuant to Section 428 of the Stafford Act. Grantees may use CDBG–DR funds as a matching requirement, share, or contribution for Public Assistance Projects financed pursuant to Section 428, but as in other instances in which grantee use CDBG–

DR funds to meet local matching requirements, grantees must document that CDBG–DR funds have been used for the actual costs incurred for the assisted project and for costs that are eligible, meet a national objective, and meet other applicable CDBG requirements.

D. Economic Revitalization

16. *Waiver to permit tourism marketing (U.S. Virgin Islands only).* The U.S. Virgin Islands has requested a waiver to allow the Territory to use up to $5,000,000 in CDBG–DR funds to promote travel to disaster-impacted areas. Tourism is the primary economic contributor to the U.S. Virgin Island's economy, estimated to account for between 30 and 80 percent of the Territory's economy. The U.S. Virgin Islands indicated that for several weeks following the disasters, airports and seaports remained closed and due to damage to hotels and a perception that the islands have been completely decimated, tourism has remained low. The Territory indicates that many of its largest hotels will not reopen until late 2019 or 2020, with weekly accommodation capacity dropping from 23,000 in February 2017 to 13,000 in February 2018. The Territory's request also notes that the decline in tourism has had a particularly adverse impact on low- and moderate-income residents that depend on the industry for employment.

The Territory has documented a sharp decline in visitors to the islands, with a corresponding decline in visitor spending and Territory revenues. Prior to the disasters, the Territory reported total monthly visitor expenditures of $84.8 million in October 2016, contrasted to total tourist spending of $49.8 million and lost excursionist spending of $71.1 million in October 2017, after the storms. The Territory estimates that total tourism-related losses caused by the 2017 disasters are expected to approach $1 billion in the 12 months following the storms, amounting to almost 70% of the total revenue generated by tourism in 2016.

Tourism industry support, such as a national and international consumer awareness advertising campaign for an area in general, is ineligible for CDBG assistance. However, HUD recognizes that such support can be a useful recovery tool in a damaged regional economy that depends on tourism for most of its jobs and tax revenues. In the past, HUD has granted tourism waivers for several CDBG–DR disaster recovery efforts. As the U.S. Virgin Islands is proposing advertising and marketing activities rather than direct assistance to tourism-dependent businesses, and because the measures of long-term benefit from the proposed activities must be derived using indirect means, 42 U.S.C. 5305(a) is waived only to the extent necessary to make eligible use of no more than $5,000,000 for assistance to promote the Territory in general or specific components of the islands. Additionally, no elected officials shall appear in tourism marketing materials financed with CDBG–DR funds. Given the importance of tourism to the overall economy, HUD is authorizing this use of funds without regard to unmet housing need. This waiver will expire two years after the Territory first draws CDBG–DR funds under the allocation provided in the Prior Notice. In providing similar waivers for other CDBG–DR grantees, the Department has often identified issues in the procurement of tourism marketing services, with grantees adding CDBG–DR funds to existing tourism marketing contracts procured with other sources of funds. In providing this waiver, HUD advises the Territory to ensure that contracts funded pursuant to this waiver with CDBG–DR funds comply with applicable procurement requirements. The grantee must also develop metrics to demonstrate the impact of CDBG–DR expenditures on the tourism sector of the economy and shall identify those metrics in the initial substantial amendment submitted pursuant to this notice.

17. *Waiver to permit tourism and business marketing (Commonwealth of Puerto Rico only).* The Commonwealth of Puerto Rico has requested a waiver to allow the Commonwealth to use up to $15,000,000 in CDBG–DR funds to promote travel and to attract new businesses to disaster-impacted areas. Puerto Rico's request indicated that prior to the storms, tourism accounted for 8 percent of the economy. One month after the disasters, however, one third of the island's hotels remained shuttered and beaches remained closed for swimming due to possible water contamination. The Commonwealth's request notes that insular areas of the island have been particularly slow to recover to historic levels of tourism activity. Puerto Rico anticipates the addition of over 2,000 tourist accommodations this year and accordingly, seeks to use CDBG–DR funds to target outreach efforts through a marketing campaign to reach potential visitors that may not be aware of the pace of recovery in the island's tourist areas.

The Commonwealth's waiver request includes the proposed use of CDBG–DR funds to also market the island to new businesses. Puerto Rico notes that its declining economic conditions prior to the storms, as reflected through the largest-ever federal bankruptcy by a local government, were exacerbated by the disasters. The top five economic sectors with reported losses to the U.S. Small Business Administration as result of the storms include real estate, accommodations and food services, health care, retail trade, and manufacturing. Unemployment in February 2016 was reported at 10.6%, with a decline in jobs in non-farm industries from 871,200 jobs in September 2017 to 848,300 jobs in February 2018. The Commonwealth's request notes that the unprecedented federal investment in the island's damaged housing stock and infrastructure also presents an opportunity to introduce and re-introduce businesses across the nation and around the world to Puerto Rico as an attractive location for new business investment.

Tourism and business advertising campaigns for an area in general, are ineligible for CDBG–DR assistance. However, HUD recognizes that such support can be a useful recovery tool in a damaged regional economy that depends on tourism and seeks to attract new business investment to generate new jobs and tax revenues. HUD has previously granted similar waivers for several CDBG–DR disaster recovery efforts. As the Commonwealth of Puerto Rico is proposing advertising and marketing activities rather than direct assistance to tourism-dependent and other businesses, and because the measures of long-term benefit from the proposed activities must be derived using indirect means, 42 U.S.C. 5305(a) is waived only to the extent necessary to make eligible use of no more than $15,000,000 for assistance to promote the Commonwealth in general or specific communities. No elected officials shall appear in tourism or business marketing materials financed with CDBG–DR funds. Given the importance of tourism to the overall economy, HUD is authorizing this use of funds without regard to unmet housing need. This waiver will expire two years after the Commonwealth first draws CDBG–DR funds under the allocation provided in the Prior Notice. In providing similar waivers for other CDBG–DR grantees, the Department has often identified issues in the procurement of tourism and business marketing services, with grantees adding CDBG–DR funds to existing tourism and business marketing contracts procured with other sources of funds. In providing this waiver, HUD

advises the Commonwealth to ensure that contracts funded pursuant to this waiver with CDBG–DR funds comply with applicable procurement requirements. The grantee must also develop metrics to demonstrate the impact of CDBG–DR expenditures on the tourism and other sectors of the economy and shall identify those metrics in the initial substantial amendment submitted pursuant to this notice.

V. Duration of Funding

The law, as amended, requires that funds provided under the Appropriations Act and Prior Appropriation be expended within two years of the date that HUD obligates funds to a grantee, but also authorizes the Office of Management and Budget (OMB) to provide a waiver of this requirement. OMB has waived this requirement for a combined total of $35,390,000,000 of CDBG–DR funds appropriated under the Prior Appropriation and the Appropriations Act. Notwithstanding the OMB waiver, however, the provision of the Prior Notice that requires each grantee to expend 100 percent of its total allocation of CDBG–DR funds on eligible activities within six years of HUD's initial obligation of funds remains in effect. For grantees receiving an allocation of funds under the Prior Notice, the six-year expenditure deadline commences with initial obligation of funds provided under the Prior Notice. For grantees receiving an initial allocation of funds under this Notice, the six-year expenditure deadline commences with the initial obligation of funds provided under this notice. Further, consistent with 31 U.S.C. 1555 and OMB Circular No. A–11, if the Secretary or the President determines that the purposes for which the appropriation has been made have been carried out and no disbursements have been made against the appropriation for two consecutive fiscal years, any remaining unobligated balance will be made unavailable for obligation or expenditure.

VI. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grants under this notice are as follows: 14.228 for State CDBG grantees.

VII. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

Dated: August 8, 2018.

Neal J. Rackleff,

Assistant Secretary.

Appendix A—Detailed Methodology (for Federal Notice Appendix)

Allocation of CDBG–DR Funds to Most Impacted and Distressed Areas Due to 2017 Federally Declared Disasters and Allocation of Mitigation Funds for 2015, 2016, and 2017 Federally Declared Disasters

Background

The Bipartisan Budget Act of 2018, Public Law 115–123, enacted on February 9, 2018, appropriated $28,000,000,000 through the Community Development Block Grant disaster recovery (CDBG–DR) program. The statutory text related to the allocation is as follows:

For an additional amount for ''Community Development Fund'', $28,000,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2017 (except as otherwise provided under this heading) pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided,* That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further,* That of the amounts made available under this heading, up to $16,000,000,000 shall be allocated to meet unmet needs for grantees that have received or will receive allocations under this heading for major declared disasters that occurred in 2017 or under the same heading of Division B of Public Law 115–56, except that, of the amounts made available under this proviso, no less than $11,000,000,000 shall be allocated to the States and units of local government affected by Hurricane Maria, and of such amounts allocated to such grantees affected by Hurricane Maria, $2,000,000,000 shall be used to provide enhanced or improved electrical power systems: *Provided further,* That to the extent amounts under the previous proviso are insufficient to meet all unmet needs, the allocation amounts related to infrastructure shall be reduced proportionally based on the total infrastructure needs of all grantees: *Provided further,* That of the amounts made available under this heading, no less than $12,000,000,000 shall be allocated for mitigation activities to all grantees of funding provided under this heading, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56, and that such mitigation activities shall be subject to the same terms and conditions under this subdivision, as determined by the Secretary: *Provided further,* That all such grantees shall receive an allocation of funds under the preceding proviso in the same proportion that the amount of funds each grantee received or will receive under the second proviso of this heading or the headings and sections specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso: *Provided further,* That of the amounts made available under the second and fourth provisos of this heading, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of each such amounts of funds provided under this heading within 60 days after the enactment of this subdivision based on the best available data (especially with respect to data for all such grantees affected by Hurricanes Harvey, Irma, and Maria), and shall allocate no less than 100 percent of the funds provided under this heading by no later than December 1, 2018:

. . . *Provided further,* That of the amounts made available under this heading, up to $15,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115–56, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further,* That of the amounts made available under this heading, up to $10,000,000 shall be transferred, in aggregate, to ''Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development'' for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading:

Further, under the General Provisions of the Act in Section 21102:

Any funds made available under the heading ''Community Development Fund''

under this subdivision that remain available, after the other funds under such heading have been allocated for necessary expenses for activities authorized under such heading, shall be used for additional mitigation activities in the most impacted and distressed areas resulting from a major declared disaster that occurred in 2014, 2015, 2016 or 2017: *Provided,* That such remaining funds shall be awarded to grantees of funding provided for disaster relief under the heading ''Community Development Fund'' in this subdivision, section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and the same heading in division B of Public Law 115–56 subject to the same terms and conditions under this subdivision and such Acts respectively: *Provided further,* That each such grantee shall receive an allocation from such remaining funds in the same proportion that the amount of funds such grantee received under this subdivision and under the Acts specified in the previous proviso bears to the amount of all funds provided to all grantees specified in the previous proviso.

The methodology for allocating these funds has two core parts:

- *Unmet Needs:* Up to $16 billion for the remaining unmet needs of communities most impacted by a disaster in 2017. After factoring in the $35 million set-aside for HUD expenses, up to $15.965 billion is available for unmet needs, of which no less than $11 billion is provided to communities impacted by Hurricane Maria, specifically the Commonwealth of Puerto Rico and United States Virgin Islands. These funds are allocated based on a calculation of unmet needs as described below after taking into account the $7.458 billion of CDBG–DR previously allocated for 2017 disasters.
- *Mitigation:* No less than $12 billion for mitigation activities for grantees who have received CDBG–DR funding under this appropriation or earlier appropriations covering disasters in 2015, 2016, and 2017. This allocation is based on each grantee's proportional share of total funds allocated for all of the eligible disasters.

Allocating for remaining unmet needs of 2017

Most impacted and distressed areas

As with prior CDBG–DR appropriations, HUD is not obligated to allocate funds for all major disasters declared in 2017. HUD is directed to use the funds ''in the most impacted and distressed areas.'' HUD has implemented this directive by limiting CDBG–DR formula allocations to jurisdictions with major disasters that meet three standards:

(1) Individual Assistance/IHP designation. HUD has limited allocations to those disasters where FEMA had determined the damage was sufficient to declare the disaster as eligible to receive Individual and Households Program (IHP) funding.
(2) Concentrated damage. HUD has limited its estimate of serious unmet housing need to counties and Zip Codes with high levels of damage, collectively referred to as ''most impacted areas''. For this allocation, HUD is defining most impacted areas as either most impacted counties—counties exceeding $10 million in serious unmet housing needs—and most impacted Zip Codes—Zip Codes with $2 million or more of serious unmet housing needs. The calculation of serious unmet housing needs is described below.
(3) Disasters meeting the most impacted threshold. Only 2017 disasters that meet this requirement for most impacted damage are funded:
  a. One or more most impacted county
  b. An aggregate of most impacted Zip Codes of $10 million or greater

For disasters that meet the most impacted threshold described above, the unmet need allocations are based on the following factors summed together less previous CDBG–DR allocations for the 2017 disasters unmet needs:

(1) Repair estimates for seriously damaged owner-occupied units without insurance (with some exceptions) in most impacted areas after FEMA and SBA repair grants or loans;
(2) Repair estimates for seriously damaged rental units occupied by renters with income less than 50 percent of Area Median Income in most impacted areas;
(3) Repair and content loss estimates for small businesses with serious damage denied by SBA;
(4) The estimated local cost share for Public Assistance Category C to G projects;
(5) $2 billion for Maria-impacted disasters for improvements to the electric grid; and
(6) An amount to ensure that Maria impacted disasters do not receive less than $11 billion from Public Law 115–123, with the split between the eligible disasters in Puerto Rico and the Virgin Islands based on their relative share of needs as calculated under number 1 to 5 above.

Methods for estimating unmet needs for housing

The data HUD staff have identified as being available to calculate unmet needs for qualifying disasters come from the FEMA Individual Assistance program data on housing-unit damage as of February 22, 2018.

The core data on housing damage for both the unmet housing needs calculation and the concentrated damage are based on home inspection data for FEMA's Individual Assistance program. HUD calculates ''unmet housing needs'' as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds already provided by FEMA and SBA. Puerto Rico and the Virgin Island owner damage is calculated based on both real property and personal property inspections based on findings by HUD that this likely is a more accurate estimate of serious homeowner damage in those areas. For the continental U.S., HUD finds its traditional approach of just using real property damage assessments for owner-occupied units continues to be effective.

Each of the FEMA inspected owner units are categorized by HUD into one of five categories:

- Minor-Low: Less than $3,000 of FEMA inspected real property damage.
- Minor-High: $3,000 to $7,999 of FEMA inspected real property damage.
- Major-Low: $8,000 to $14,999 of FEMA inspected real property damage and/or 1 to 4 feet of flooding on the first floor.
- Major-High: $15,000 to $28,800 of FEMA inspected real property damage and/or 4 to 6 feet of flooding on the first floor.
- Severe: Greater than $28,800 of FEMA inspected real property damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

For the Virgin Islands and Puerto Rico, the damage grouping would be the higher damage categorization based on the calculation above or:

- Minor-Low: Less than $2,500 of FEMA inspected personal property damage.
- Minor-High: $2,500 to $3,499 of FEMA inspected personal property damage.
- Major-Low: $3,500 to $4,999 of FEMA inspected personal property damage or 1 to 4 feet of flooding on the first floor.
- Major-High: $5,000 to $8,999 of FEMA inspected personal property damage or 4 to 6 feet of flooding on the first floor.
- Severe: Greater than $9,000 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

To meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-low'' or higher. That is, they have a real property FEMA inspected damage of $8,000 or flooding over 1 foot.

Furthermore, a homeowner is determined to have unmet needs if they reported damage and no insurance to cover that damage and was outside the 1% risk flood hazard area; for homeowners inside the flood hazard area, only homeowners without insurance below 120% of Area Median Income are determined to have unmet needs. Homeowners without hazard insurance with non-flood damage with incomes below the greater of national median or 120% of Area Median Income are included as having unmet needs.

FEMA does not inspect rental units for real property damage so personal property damage is used as a proxy for unit damage. Each of the FEMA inspected renter units are categorized by HUD into one of five categories:

- Minor-Low: Less than $1,000 of FEMA inspected personal property damage.
- Minor-High: $1,000 to $1,999 of FEMA inspected personal property damage.
- Major-Low: $2,000 to $3,499 of FEMA inspected personal property damage or 1 to 4 feet of flooding on the first floor.
- Major-High: $3,500 to $7,499 of FEMA inspected personal property damage or 4 to 6 feet of flooding on the first floor.

- Severe: Greater than $7,500 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor.

For rental properties, to meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-low'' or higher. That is, they have a FEMA personal property damage assessment of $2,000 or greater or flooding over 1 foot.

Furthermore, landlords are presumed to have adequate insurance coverage unless the unit is occupied by a renter with income less than the greater of the Federal poverty level or 50 percent of Area Median Income. Units occupied by a tenant with income less than the greater of the Federal poverty level or 50 percent of Area Median Income are used to calculate likely unmet needs for affordable rental housing.

The average cost to fully repair a home for a specific disaster to code within each of the damage categories noted above is calculated using the median real property damage repair costs determined by the Small Business Administration for its disaster loan program for the subset of homes inspected by both SBA and FEMA for each eligible disaster. Because SBA is inspecting for full repair costs, it is presumed to reflect the full cost to repair the home, which is generally more than the FEMA estimates on the cost to make the home habitable.

For each household determined to have unmet housing needs (as described above), their estimated average unmet housing need less assistance from FEMA and SBA provided for repair to homes with serious unmet needs. No unmet housing need cost multiplier can be less than the 25th percentile estimate across all disasters of 2017. Those minimum cost multipliers are: $40,323 for major damage (low); $55,812 for major damage (high); and $77,252 for severe damage. The multipliers used for each disaster is shown below.

	Serious Unmet Housing Need Multipliers		
	Major-Low	Major-High	Severe
California	$40,323	$55,812	$124,481
Florida	$42,837	$56,113	$79,096
Georgia	$40,323	$55,812	$77,252
Missouri	$40,323	$66,545	$100,947
Puerto Rico	$40,323	$55,812	$77,252
Texas	$56,342	$75,414	$101,390
Virgin Islands	$80,142	$97,672	$116,351

Methods for estimating unmet economic revitalization needs

Based on SBA disaster loans to businesses as of 3–22–2018, HUD calculates the median real estate and content loss by the following damage categories for each state:

- Category 1: real estate + content loss = below 12,000
- Category 2: real estate + content loss = 12,000–30,000
- Category 3: real estate + content loss = 30,000–65,000
- Category 4: real estate + content loss = 65,000–150,000
- Category 5: real estate + content loss = above 150,000

For properties with real estate and content loss of $30,000 or more, HUD calculates the estimated amount of unmet needs for small businesses by multiplying the median damage estimates for the categories above by the number of small businesses denied an SBA loan, including those denied a loan prior to inspection due to inadequate credit or income (or a decision had not been made), under the assumption that damage among those denied at pre-inspection have the same distribution of damage as those denied after inspection.

Methods for estimating unmet infrastructure needs

To calculate unmet needs for infrastructure projects, HUD is using data obtained from FEMA as of March 30, 2018, showing the amount FEMA estimates will be needed to repair the permanent public infrastructure (Categories C to G) to their pre-storm condition. HUD uses these data to calculate two infrastructure unmet needs:

- The estimated local cost share for Public Assistance Category C to G projects.
- An allocation of $2 billion for Maria affected disasters (Puerto Rico and the Virgin Islands) for ''enhanced or improved electrical power systems.'' This is allocated between Puerto Rico and the Virgin Islands based on their relative share of total estimated Category F Public Assistance cost to repair public utilities.

Allocation Calculation

Once eligible entities are identified using the above criteria, the allocation to individual grantees represents their proportional share of the estimated unmet needs. For the formula allocation, HUD calculates total serious unmet recovery needs as the aggregate of:

- Serious unmet housing needs in most impacted counties less amounts of CDBG–DR previously allocated for serious unmet housing needs
- Serious unmet business needs less amounts of CDBG–DR previously allocated for serious business needs
- FEMA Public Assistance Category C to G local cost share and the $2 billion additional amount for enhanced or improved electrical power systems in Puerto Rico and the Virgin Islands

Prior allocations for 2017 disasters are subtracted from this amount. Because this results in less than $11 billion being allocated to Maria affected disasters (Puerto Rico and the Virgin Islands) from Public Law 115–123, an additional amount is added to those two grantees to reach $11 billion based on their relative share of needs as calculated under the three bullets above.

This results in an estimate of unmet needs to be allocated from Public Law 115–123 of $12.031 billion, allowing $3.935 billion to be allocated to mitigation.

Allocating for mitigation

The allocation of $15.935 billion in mitigation funds (the $12 billion appropriated for mitigation plus the $3.935 billion remaining after allocation of 100% of unmet needs) is allocated proportionally based on each grantee's relative share of the $22.425 billion of CDBG–DR funds allocated for unmet needs to disasters occurring in 2015, 2016, and 2017. For example, the combination of all grants to Puerto Rico for unmet needs represents 52 percent of the $22.425 billion allocated for unmet needs. As a result, Puerto Rico receives 52 percent of the $15.935 billion made available for mitigation funding.

[FR Doc. 2018–17365 Filed 8–13–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2018–N044; FXES11130300000–189–FF03E00000]

Draft Environmental Assessment and Draft Habitat Conservation Plan; Receipt of an Application for an Incidental Take Permit, Headwaters Wind Farm, Randolph County, Indiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Headwaters Wind Farm LLC (applicant), for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA), for its Headwaters Wind Farm (Headwaters) (project). If approved, the ITP would be for a 27-year period and

would authorize the incidental take of an endangered species, the Indiana bat, and a threatened species, the northern long-eared bat. The applicant has prepared a draft habitat conservation plan (HCP) that describes the actions and measures that the applicant would implement to avoid, minimize, and mitigate incidental take of the Indiana bat and northern long-eared bat. We also announce the availability of a draft Environmental Assessment (DEA), which has been prepared in response to the permit application in accordance with the requirements of the National Environmental Policy Act (NEPA). We request public comment on the application and associated documents.

DATES: We will accept comments received or postmarked on or before September 14, 2018.

ADDRESSES: *Document availability:*

- *Internet:* You may obtain copies of the documents on the internet at *https://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html.*
- *U.S. Mail:* You can obtain the documents by mail from the Indiana Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).
- *In-Person:* To view hard copies of the documents in person, go to one of the Ecological Services Offices (8 a.m. to 4 p.m.) listed under **FOR FURTHER INFORMATION CONTACT**.

Comment submission: In your comment, please specify whether your comment addresses the draft HCP, DEA, or any combination of the aforementioned documents, or other supporting documents. You may submit written comments by one of the following methods:

- *Electronically:* Submit by email to *IndianaFO@fws.gov.*
- *By hard copy:* Submit by U.S. mail or hand-delivery to U.S. Fish and Wildlife Service, Indiana Ecological Services Field Office, 620 S Walker Street, Bloomington, IN 47403.

FOR FURTHER INFORMATION CONTACT: Scott Pruitt, Field Supervisor, Bloomington, Indiana, Ecological Services Field Office, U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, IN 47403; telephone: 812–334–4261, extension 214; or Erik Olson, Fish and Wildlife Biologist, Ecological Services, Midwest Regional Office, U.S. Fish and Wildlife Service, 5600 American Blvd., West, Suite 990, Bloomington, MN 55437–1458; telephone: 612–713–5488.

SUPPLEMENTARY INFORMATION: We have received an application from Headwaters Wind Farm LLC (HWF) for an incidental take permit under the ESA (16 U.S.C. 1531 *et seq.*). If approved, the ITP would be for a 27-year period and would authorize incidental take of the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*).

The applicant has prepared a draft HCP that covers the operation of the Headwaters Wind Farm (Headwaters). The project consists of a wind-powered electric generation facility located in an approximately 53,808-acre area in Randolph County, Indiana. The draft HCP describes the following: (1) Biological goals and objectives of the HCP; (2) covered activities; (3) permit duration; (4) project area; (5) alternatives to the taking that were considered; (5) public participation; (6) life history of the Indiana bat and northern long-eared bat; (6) quantification of the take for which authorization is requested; (7) assessment of direct and indirect effects of the taking on the Indiana bat within the Midwest Recovery Unit (as delineated in the 2007 Indiana Bat Draft Recovery Plan, Service) and rangewide; (8) assessment of direct and indirect effects of the taking on the northern long-eared bat within the Service's Midwest region and rangewide; (9) conservation program consisting of avoidance and minimization measures, mitigation, monitoring, and adaptive management; (10) funding for the HCP; (11) procedures to deal with changed and unforeseen circumstances; and (12) methods for ITP amendments.

Under the NEPA (43 U.S.C. 4321 *et seq.*) and the ESA, the Service announces that we have gathered the information necessary to:

1. Determine the impacts and formulate alternatives for an EA related to:

a. Issuance of an ITP to the applicant for the take of the Indiana bat and the northern long-eared bat, and

b. Implementation of the associated HCP; and

2. Evaluate the application for ITP issuance, including the HCP, which provides measures to minimize and mitigate the effects of the proposed incidental take of the Indiana bat and the northern long-eared bat.

Background

The HWF application is unusual in that the wind facility has been operational since 2014. The project includes 100 Vestas V110 2.0 megawatt wind turbines and has a total energy capacity of 200 MW. The need for the proposed action (*i.e.,* issuance of an ITP) is based on the potential that operation of the Headwaters Wind Farm could result in take of Indiana bats and northern long-eared bats.

The HCP provides a detailed conservation plan to ensure that the incidental take caused by the operation of the project will not appreciably reduce the likelihood of the survival and recovery of the Indiana bat and northern long-eared bat, and provides mitigation to fully offset the impact of the taking. Further, the HCP provides a long-term monitoring and adaptive management strategy to ensure that the ITP terms are satisfied, and to account for changed and unforeseen circumstances.

Purpose and Need for Action

In accordance with NEPA, the Service has prepared an EA to analyze the impacts to the human environment that would occur if the requested ITP were issued and the associated HCP were implemented.

Proposed Action

Section 9 of the ESA prohibits the ''taking'' of threatened and endangered species. However, provided certain criteria are met, the Service is authorized to issue permits under section 10(a)(1)(B) of the ESA for take of federally listed species when, among other things, such a taking is incidental to, and not the purpose of, otherwise lawful activities. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered and threatened species, or to attempt to engage in any such conduct. Our implementing regulations in title 50 of the Code of Federal Regulations define ''harm'' as an act which actually kills or injures wildlife, and such act may include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Harass, as defined in our regulations, means ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3).

The HCP analyzes, and the ITP would cover, take from harassment and harm, and killing of bats due to the operation of the Headwaters project. If issued, the ITP would authorize incidental take consistent with the applicant's HCP and the ITP. To issue the ITP, the Service must find that the application, including its HCP, satisfies the criteria of section 10(a)(1)(B) of the ESA and the Service's implementing regulations at 50 CFR part 13 and § 17.22. If the ITP

is issued, the applicant would receive assurances under the Service's No Surprises policy, as codified at 50 CFR 17.22(b)(5).

The applicant proposes to operate a maximum of 100 wind turbines and associated facilities (described below) for a period of 27 years in Randolph County, Indiana. The project consists of wind turbines, associated access roads, an underground and aboveground electrical collector system, one substation containing transformers that feed electricity into an existing 345-kilovolt (kV) electrical tie-in line, a 10-mile generator lead line, three permanent meteorological towers, and an operations and maintenance building. Project facilities and infrastructure are placed on private land via long-term easement agreements between the applicant and respective landowners.

The draft HCP describes the impacts of take associated with the operation of the Headwaters Wind Farm and includes measures to avoid, minimize, mitigate, and monitor the impacts of incidental take on the Indiana bat and the northern long-eared bat. The applicant will mitigate for take and associated impacts through protection and restoration of maternity colony habitat and/or swarming habitat, and gating of an Indiana bat hibernacula. Habitat mitigation, including any restored habitat, will occur on private land and be permanently protected by restrictive covenants approved by the Service. Chapter 5 of the HCP describes the Conservation Program, including details of avoidance and minimization measures, compensatory mitigation, and adaptive management that will limit and mitigate for the take of Indiana bats and northern long-eared bats.

The Service is soliciting information regarding the adequacy of the HCP to avoid, minimize, mitigate, and monitor the proposed incidental take of the covered species and to provide for adaptive management. In compliance with section 10(c) of the ESA (16 U.S.C. 1539(c)), the Service is making the ITP application materials available for public review and comment as described above.

We invite comments and suggestions from all interested parties on the draft documents associated with the ITP application (HCP and HCP Appendices), and request that comments be as specific as possible. In particular, we request information and comments on the following topics:

1. Whether adaptive management and monitoring provisions in the Proposed Action alternative are sufficient;

2. Any threats to the Indiana bat and the northern long-eared bat that may influence their populations over the life of the ITP that are not addressed in the draft HCP or draft EA;

3. Any new information on white-nose syndrome effects on the Indiana bat and the northern long-eared bat; and

4. Any other information pertinent to evaluating the effects of the proposed action on the Indiana bat and the northern long-eared bat.

Alternatives in the Draft EA

The DEA contains an analysis of four alternatives: (1) No Action alternative, in which all 100 turbines would be feathered from ½ hour before sunset to ½ hour after sunrise up to 5.0 meters per second (m/s) from March 15 through May 15 and up to 6.9 m/s from August 1 through October 15. In addition, 10 turbines within 1,000 feet of suitable habitat would be feathered up to 6.9 m/s with the rest of the turbines feathered up to manufacturer's cut-in speed (3.0 m/s) from May 16 through July 31. This curtailment regime would occur each year during the operational life (27 years) of Headwaters; (2) the 5.0 m/s Cut-In Speed (feathered) Alternative including implementation of the HCP and issuance of a 27-year ITP; (3) the 6.5 m/s Cut-In Speed (feathered) Alternative, including implementation of the HCP and issuance of a 27-year ITP; and (4) the 4.0 m/s Cut-In Speed (feathered) Alternative, including implementation of the HCP and issuance of a 27-year ITP. The DEA considers the direct, indirect, and cumulative effects of the alternatives, including any measures under the Proposed Action alternative intended to minimize and mitigate such impacts. The DEA also identifies two additional alternatives that were considered but were eliminated from analysis as detailed in Section 3.4 of the DEA.

The Service invites comments and suggestions from all interested parties on the content of the DEA. In particular, information and comments regarding the following topics are requested:

1. The direct, indirect, or cumulative effects that implementation of any alternative could have on the human environment;

2. Whether or not the significance of the impact on various aspects of the human environment has been adequately analyzed; and

3. Any other information pertinent to evaluating the effects of the proposed action on the human environment.

Public Comments

You may submit your comments and materials related to the draft HCP, DEA, or other supporting documents by one of the methods listed in **ADDRESSES**. We request that you send comments by only one of the methods described in **ADDRESSES**.

Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection by appointment, during normal business hours, at the Indiana Ecological Services Field Office in Bloomington, Indiana (see **FOR FURTHER INFORMATION CONTACT**). 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 you comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Dated: April 18, 2018.

Lori H. Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2018–17485 Filed 8–13–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2018–N065; FXES11140200000–189–FF02ENEH00]

Incidental Take Permit Applications Received To Participate in the American Burying-Beetle Amended Oil and Gas Industry Conservation Plan in Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: Under the Endangered Species Act (ESA), as amended, we, the U.S. Fish and Wildlife Service, invite the public to comment on Federally-listed American burying-beetle incidental take permit (ITP)

applications. The applicants anticipate American burying-beetle take as a result of impacts to Oklahoma habitat the species uses for breeding, feeding, and sheltering. The take would be incidental to the applicants' activities associated with oil and gas well field and pipeline infrastructure (gathering, transmission, and distribution), including geophysical exploration (seismic), construction, maintenance, operation, repair, decommissioning, and reclamation. If approved, the permits would be issued under the approved *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.*

DATES: To ensure consideration, written comments must be received on or before September 13, 2018.

ADDRESSES: You may obtain copies of all documents and submit comments on the applicants' ITP applications by one of the following methods. Please refer to the proposed permit number when requesting documents or submitting comments.

- *Email: fw2_hcp_permits@fws.gov.*
- *U.S. Mail:* U.S. Fish and Wildlife Service, Endangered Species—HCP Permits, P.O. Box 1306, Room 6093, Albuquerque, NM 87103.

FOR FURTHER INFORMATION CONTACT: Marty Tuegel, Branch Chief, by U.S. mail at U.S. Fish and Wildlife Service, Environmental Review Division, P.O. Box 1306, Room 6078, Albuquerque, NM 87103; or by telephone at 505–248–6651.

SUPPLEMENTARY INFORMATION:

Introduction

Under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), we, the U.S. Fish and Wildlife Service, invite the public to comment on ITP applications to take the Federally-listed American burying-beetle (*Nicrophorus americanus*) during oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

If approved, the permits would be issued to the applicants under the *American Burying Beetle Amended Oil and Gas Industry Conservation Plan (ICP) Endangered Species Act Section 10(a)(1)(B) Permit Issuance in Oklahoma.* The original ICP was approved on May 21, 2014, and the ''no significant impact'' finding notice was published in the **Federal Register** on July 25, 2014 (79 FR 43504). The draft amended ICP was made available for comment on March 8, 2016 (81 FR 12113), and approved on April 13, 2016. The ICP and the associated environmental assessment/finding of no significant impact are available on our website at *http://www.fws.gov/southwest/es/oklahoma/ABBICP.* However, we are no longer taking comments on these finalized, approved documents.

Applications Available for Review and Comment

We invite local, state, Tribal, and Federal agencies, and the public to comment on the following applications under the ICP, for incidentally taking the Federally-listed American burying-beetle. Please refer to the appropriate proposed permit number (TE84779C, TE84778C, or TE84781C) when requesting application documents and when submitting comments. Documents and other information the applicants have submitted are available for review, subject to Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552) requirements.

Permit TE84779C

Applicant: Midship Pipeline Company, LLC, Houston, TX.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit TE84778C

Applicant: Blue Water Resources, LLC, Tulsa, OK.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Permit TE84781C

Applicant: VM ARKOMA Stack, LLC, Oklahoma City, OK.

Applicant requests a permit for oil and gas upstream and midstream production, including oil and gas well field infrastructure geophysical exploration (seismic) and construction, maintenance, operation, repair, and decommissioning, as well as oil and gas gathering, transmission, and distribution pipeline infrastructure construction, maintenance, operation, repair, decommissioning, and reclamation in Oklahoma.

Public Availability of Comments

Written comments we receive become part of the public 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.

Authority

We provide this notice under the ESA, section 10(c) (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Dated: May 14, 2018.

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2018–17502 Filed 8–13–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVL03000 L58480000.EU0000 241A; 14–08807; MO #4500116369; TAS: 14X1109]

Notice of Realty Action: Competitive Sale of Nine Parcels of Public Land in Lincoln County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer by competitive sale 9 parcels of public land totaling 296.09 acres in Lincoln County, Nevada, pursuant to the Lincoln County

Conservation, Recreation, and Development Act of 2004 (LCCRDA). BLM cannot sell land at less than Fair Market Value (FMV), as determined by a current appraisal, reviewed and approved by Department of Interior Appraisal Valuation and Services Office. For competitive bidding, the FMV will determine the beginning point for oral bidding on each parcel. The sale will be subject to the applicable provision of the Federal Land Policy and Management Act of 1976 (FLPMA), and BLM land sale regulations.

DATES: Interested persons may submit written comments to the BLM Caliente Field Office at the address listed in the **ADDRESSES** section. The BLM must receive the comments on or before September 28, 2018. The sale, by sealed bid and oral public auction, will be held on October 23, 2018, at 1:00 p.m., Pacific Time, at The Caliente Railroad Depot at the address listed in the **ADDRESSES** section. The BLM will start accepting sealed bids beginning October 9, 2018. Sealed bids must be received at the BLM, Caliente Field Office no later than 4:30 p.m., Pacific Time on October 15, 2018. The BLM will open sealed bids on the day of the sale, just prior to the oral bidding.

ADDRESSES:

- *Mail written comments, submit sealed bids and obtain forms at:* Caliente Field Office, 1400 South Front Street, Caliente, Nevada 89008.
- *Certificate of Eligibility forms are also available at the BLM website at: https://www.blm.gov/documents/nevada/frequently-requested/data/certificate-eligibility.*
- *Registration forms are also available at: https://www.blm.gov/services/electronic-forms.*
- *Sale Location:* Caliente Railroad Depot, 100 Depot Avenue, Caliente, NV 89008.

FOR FURTHER INFORMATION CONTACT: Susan Grande, Realty Specialist, Ely District Office, 702 North Industrial Way, Ely, Nevada 89301 or by telephone at 775–289–1809 or by email at *sgrande@blm.gov*; or Chris Carlton, Field Manager, Caliente Field Office, at 775–726–8100 or by email at *ccarlton@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1–800–877–8339 to contact the above individuals during normal business hours. The Service 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: The BLM will conduct a Competitive Sale for nine parcels of public land located in Lincoln County, Nevada, described as follows:

Mount Diablo Meridian, Nevada

Parcel in Alamo, NV

N–90795, 38.77 acres:
T. 6 S., R. 61 E.,
Sec. 29, lot 10.

Parcels in Caliente, NV

N–92816, 80.00 acres:
T. 3 S., R. 67 E.,
Sec. 29, N½SE¼.
N–95799, 40.00 acres:
T. 3 S., R. 67 E.,
Sec. 28, SW¼SW¼.

Parcels in Panaca, NV

N–90794, 20.00 acres:
T. 2 S., R. 68 E.,
Sec. 10, S½SW¼NW¼.
N–95800, 10.00 acres:
T. 2 S., R. 68 E.,
Sec. 9, SE¼SE¼NE¼.
N–95801, 40.00 acres:
T. 2 S., R. 68 E.,
Sec. 9, NE¼SE¼.

Parcels in Pioche, NV

N–90796, 7.32 acres:
T. 1 N., R. 67 E.,
Sec. 22, lots 2 and 4.
N–95805, 40.00 acres:
T. 1 N., R. 67 E.,
Sec. 11, SE¼SW¼.
N–95806, 20.00 acres:
T. 1 N., R. 67 E.,
Sec. 11, E½SW¼SW¼.

Upon publication of this Notice in the **Federal Register**, the described land will be segregated from all forms of appropriation under the public land laws, except for the sale provisions of FLPMA. Upon publication and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public lands, except applications for the amendment of previously filed right-of-way (ROW) applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregated effect will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on August 14, 2020, unless extended by the BLM Nevada State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

These tracts of public land meet the disposal criteria consistent with Section 203 of FLPMA and the BLM Ely District Record of Decision and Approved Resource Management Plan (ROD/RMP) dated August 20, 2008. The parcels are suitable for disposal and disposal would be in compliance with the LCCRDA, enacted on November 30, 2004, and conform to the ROD/RMP as referenced in the Lands and Realty objectives LR–8, page 66; and Appendix B, page B–1. An Environmental Assessment NV–L030–2015–0026 was prepared and a Decision Record was signed on July 21, 2017. All documents including a map and the summary of appraisals for the sale are available for review at the BLM Caliente Field Office.

FLPMA Section 209, 43 U.S.C. 1719(a), states that ''all conveyances of title issued by the Secretary . . . shall reserve to the United States all minerals in the lands.'' The BLM prepared a mineral potential report dated July 14, 2015. Based on that report, BLM concluded that no significant mineral resource value will be affected by the disposal of these parcels. These parcels are not required for any Federal purposes, and their disposal is in the public interest and meets the intent of the LCCRDA.

Both LCCRDA and FLPMA express a preference that disposal of public lands take place through a competitive bidding process. In accordance with 43 CFR 2710.0–6(c)(3)(i), a competitive sale of public land may be used where ''there would be a number of interested parties bidding for the lands and (A) wherever in the judgment of the authorized officer the lands are accessible and usable regardless of adjoining land ownership and (B) wherever the lands are within a developing or urbanizing area and land values are increasing due to their location and interest on the competitive market.'' The BLM examined the parcels and found them to be consistent with and suitable for disposal using competitive sale procedures.

Competitive Sale Procedures as prescribed by 43 CFR 2711.3–1:

Sale Procedures: Registration for oral bidding will begin at 9:00 a.m. Pacific Time at The Caliente Railroad Depot, 100 Depot Avenue, Council Chambers Room, Caliente, NV 89008, on the day of the sale. There will be no prior registration before the sale date. The public sale auction will be through sealed and oral bids. To determine the high bids among the qualified bids received, the sealed bids must be received at the place of the sale prior to the hour fixed in the notice. They will be opened and recorded on the day of the sale. The highest bid above FMV of the sealed bids will set the starting point for oral bidding on a parcel. Parcels that receive no qualified sealed bids will begin at the established FMV. Bidders who are participating and attending the oral auction on the day of the sale are not required to submit a sealed bid but may choose to do so.

Sealed-bid envelopes must be clearly marked on the lower front left corner with the parcel number and name of the

sale, for example: ''N–XXXXX, 9-parcel LCCRDA Land Sale 2018.'' Sealed bids must include an amount not less than 20 percent of the total bid amount by certified check, bank draft, cashier's check, or United States postal money order made payable in United States dollars to the ''Department of the Interior—Bureau of Land Management.'' The BLM will not accept personal or company checks. The sealed-bid envelope *must* contain the deposit and a completed and signed ''Certificate of Eligibility'' form stating the name, mailing address, and telephone number of the entity or person submitting the bid.

Pursuant to 43 CFR 2711.3–1(c), if two or more sealed-bid envelopes contain valid bids of the same amount, the bidders will be notified via phone or in person to submit another bid within ten minutes or to withdraw their original bid. Oral bidding will start at the highest sealed-bid amount. If there are no oral bids on the parcel, the authorized officer will determine the winning bidder. Bids for less than the federally-approved FMV will not qualify.

The highest qualifying sealed bid will be publicly declared in accordance with 43 CFR 2711.3–1(d). Acceptance or rejection of any offer(s) to purchase will be in accordance with the procedures set forth in 43 CFR 2711.3–1 (f) and (g).

Bid Deposits and Payment

BLM's authorized officer will declare a high bidder. In accordance with 43 CFR 2711.3–1(d), if the declared highest bid was an oral bid, then the bidder shall submit their bid deposit in the form of a bank draft, cashier's check, certified check, or U.S. postal money order, or any combination thereof, and made payable in United States dollars to the ''Department of the Interior—Bureau of Land Management.'' The high bidder shall submit a deposit of no less than 20 percent of the successful bid by 4:00 p.m., Pacific Time on the day of the sale to the BLM, Collections Officers at the BLM, Caliente Field Office, at the address listed in the **ADDRESSES** section. The person declared to have entered the highest qualifying bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth (20%) of the amount of the bid immediately following the close of the sale. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid. All funds submitted with unsuccessful bids will be returned to the bidders or their authorized representative upon presentation of acceptable photo identification at the BLM Caliente Field Office or by certified mail.

In accordance with 43 CFR 2711.3–1(d), ''The successful bidder . . . shall submit the remainder of the full bid price prior to the expiration of 180 days from the date of the sale.'' Failure to pay the full purchase price within 180 days of the sale will result in forfeiture of the bid deposit. No exceptions will be made. The BLM cannot accept the remainder of the bid price at any time following the 180th day after the sale.

Arrangements for electronic fund transfer to the BLM shall be made a minimum of two weeks prior to final payment. Failure to meet conditions established for this sale will void the sale and any funds received will be forfeited.

In order to qualify for a federal conveyance of title, as set forth in 43 CFR 2711.2, the conveyee must be: (1) A citizen of the United States 18 years of age or older; (2) A corporation subject to the laws of any state or of the United States; (3) A state, state instrumentality, or political subdivision authorized to hold property; or (4) An entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

Federal law requires that bidders must be: (1) A citizen of the United States 18 years of age or older; (2) a corporation subject to the laws of any state or of the United States; (3) a state, instrumentality, or political subdivision authorized to hold property; or (4) an entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada. Evidence of United States citizenship is a birth certificate, passport, or naturalization papers. The high bidder must submit proof of citizenship within 25 days from receipt of the high-bidder letter. Citizenship documents and Articles of Incorporation (as applicable) must be provided to the BLM–LVFO for each sale. The successful bidder is allowed 180 days from the date of the sale to submit the remainder of the full purchase price.

The public land will not be offered for sale prior to 60 days from the date this Notice is published in the **Federal Register**. The patents, if issued, would be subject to the following terms, conditions, and reservations:

1. A reservation for any right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

2. A reservation for all mineral deposits in the land so patented, together with the right to prospect for, mine, or remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe shall be reserved to the United States;

3. The parcels are subject to valid existing rights; and

4. By accepting this patent, the purchasers/patentees agree to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee, its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property resulting in: (a) Violations of federal, state, and local laws and regulations that are now or may in the future become applicable to the real property; (b) Judgments, claims or demands of any kind assessed against the United States; (c) Costs, expenses, or damages of any kind incurred by the United States; (d) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or state environmental laws, off, on, into or under land, property and other interests of the United States; (e) Other activities by which solid waste or hazardous substances or waste, as defined by Federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (f) Natural resource damages as defined by Federal and state law. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

No representation, warranty, or covenant of any kind, express or implied, is given or made by the United States, its officers or employees, as to title, access to or from the above described parcels of land, the title of the land, whether or to what extent the land may be developed, its physical condition, or past, present or future uses, and the conveyance of any such parcel will not be on a contingency basis. The buyer is responsible to be

aware of all applicable Federal, state, and local government policies and regulations that would affect the subject lands. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Lands without access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

The parcels may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Encumbrances of record, appearing in the case file are available for review during business hours, 7:30 a.m. to 4:30 p.m., Pacific Time, Monday through Friday at the BLM Caliente Field Office, except during Federally-recognized holidays.

The parcels are subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any ROW within the parcels will be given the opportunity to amend the ROW for conversion to a new term, including perpetuity, if applicable, or to an easement.

The BLM will notify valid existing ROW holders of their ability to convert their compliant ROW to perpetual ROW or easements. Each valid holder will be notified in writing of their rights and then must apply for the conversion of their current authorization.

Unless other satisfactory arrangements are approved in advance by a BLM authorized officer, conveyance of title shall be through the use of escrow. Designation of the escrow agent shall be through mutual agreement between the BLM and the prospective patentee, and costs of escrow shall be borne by the prospective patentee.

Requests for all escrow instructions must be received by the BLM Caliente Field Office 30 days before the scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM Caliente Field Office 30 days from the date of the high bidder letter by 4:00 p.m. Pacific Standard Time. Name changes will not be accepted after that date. To submit a name change, the high bidder must submit the name change on the Certificate of Eligibility form to the BLM, Caliente Field Office in writing. Certificate of Eligibility forms are available at the Caliente Field Office and at the BLM website listed in the **ADDRESSES** section.

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of the exchange is the bidder's responsibility in accordance with Internal Revenue Service regulations. The BLM is not a party to any 1031 Exchange.

In order to determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions are made concerning the attributes and limitations of the land and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local Government.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons.

In order for your comment to be considered properly filed, it must be in writing and submitted by postal service or overnight mail, to the Field Manager, BLM Caliente Field Office.

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.

Any adverse comments will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2711.1–2.

Chris Carlton,

Caliente Field Manager.

[FR Doc. 2018–17383 Filed 8–13–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[13X.LLAZP02000.L71220000.EU0 000.LVTFA1358690.241A; AZA–33050]

Notice of Realty Action: Proposed Non-Competitive (Direct) Sale of Public Land in Gila County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) is proposing a non-competitive (direct) sale of 16.87 acres of public land in Gila County, Arizona, to Mrs. Barbara Lubich. The sale would take place under the provisions of Sections 203 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), at no less than the appraised fair market value.

DATES: Interested parties may submit written comments regarding the proposed direct sale on or before September 28, 2018.

ADDRESSES: Send public comments to Edward J. Kender, Field Manager, BLM Lower Sonoran Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027. The BLM will not consider comments received in electronic form, such as email or facsimile. Detailed information concerning the proposed land sale, including an appraisal, a mineral report, and planning and environmental documents, are available for review at the BLM Lower Sonoran Field Office or by calling 623–580–5500 during normal business hours of 7:30 a.m.–4:15 p.m., Monday through Friday, except for Federal holidays. An Environmental Assessment that analyzes the impact from the proposed direct land sale is available on the BLM's ePlanning website at *https://go.usa.gov/xQT2Z.*

FOR FURTHER INFORMATION CONTACT: Jo Ann Goodlow, Realty Specialist, at the above address; phone: 623–580–5548; or by email at *jgoodlow@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. Replies will be made during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM is considering a direct sale for the following parcel subject to the applicable provisions of Sections 203 of FLPMA, and 43 CFR parts 2711:

Gila and Salt River Meridian, Arizona

T. 1 N, R. 14 E,
Sec. 36, lot 16.
Containing 16.87 acres, more or less.

The BLM is proposing a non-competitive (direct) sale of approximately 16.87 acres of public lands, which will resolve an unauthorized occupancy on public lands predating mining regulations. The parcel proposed for sale is the smallest size possible to resolve the unauthorized occupancy. The BLM

identified the parcel as suitable for disposal in the Lower Sonoran Record of Decision and Resource Management Plan, approved September 2012, decision LR–2.1.1, which allows for the disposal of public lands suitable for disposal via any disposal method, including through sale procedures, on a case-by-case basis. The direct sale proposal meets the criteria for disposal of public land in Section 203(a)(1), (d) and (f) of FLPMA and regulations in 43 CFR 2710.0–3(a)(3) and 43 CFR 2711.3–3(a)(5). The BLM proposes to offer the lands to Mrs. Barbara Lubich on a non-competitive basis pursuant to 43 CFR 2711.3–3(a)(5), because a direct sale would resolve the unauthorized occupancy of these lands and best serve the public interest.

Upon publication of this notice in the **Federal Register**, the above-described lands will be segregated from all forms of appropriation under the public land laws, including mining laws, except for the sale provisions of FLPMA. The segregation will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on August 14, 2020, by the BLM Arizona State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

Terms and Conditions: All minerals for the sale parcel will be reserved to the United States. The patent, when issued, will contain a mineral reservation to the United States for all minerals. To clarify this, mineral reservation as it relates to mineral materials, such as sand and gravel, interested parties will be referred to regulation 43 CFR 3601.71(b), which provides that the owner of the surface estate of lands with reserved Federal minerals may ''use a minimal amount of mineral materials for . . . personal use'' within the boundaries of the surface estate without a sales contract or permit. The regulation provides that all other use, absent statutory or other express authority, requires a sales contract or permit.

The public land would not be offered for sale to Mrs. Barbara Lubich until at least October 15, 2018, at no less than the appraised fair market value. A copy of the approved appraisal report is available at the address above, see **ADDRESSES**. The patent, when issued to Mrs. Barbara Lubich (who will become the patentee), will be subject to the following terms, conditions, and reservations:

1. A reservation of a right-of-way to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior are reserved to the United States, together with all necessary access and exit rights;

3. A condition that the conveyance be subject to valid existing rights of record, including right-of-way AZA–32517 to the Arizona Public Service Company, its successors or assigns, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761);

4. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented land; and

5. Additional terms and conditions that the authorized officer deems appropriate.

Any adverse comments regarding this sale will be reviewed by the BLM State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior. Before including your address, phone number, email address, or other personally identifiable information in your comment, you should be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2711.1–2)

Edward J. Kender,

Field Manager, Lower Sonoran Field Office.

[FR Doc. 2018–17385 Filed 8–13–18; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLAZC03000.L1440000.EQ0000; AZA007567]

Notice of Realty Action: Classification of Lands for Recreation and Public Purposes Act Conveyance of Public Land in Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification for conveyance to Lake Havasu City (LHC) under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, section 7 of the Taylor Grazing Act, and Executive Order 6910, approximately 1,042.11 acres of public land in Mohave County, Arizona. The land is subject to a lease to LHC under the R&PP Act, and is used for a city park also commonly known as Special Activities Recreation Area (SARA) Park. This action will classify the lands for conveyance so they can be patented and title given to LHC.

DATES: Interested parties may submit written comments regarding the proposed classification for lease and/or conveyance of public land on or before September 28, 2018. In the absence of any adverse comments, the classification will take effect on October 15, 2018.

ADDRESSES: Address comments to Jason West, Field Manager, BLM Lake Havasu Field Office, 1785 Kiowa Avenue, Lake Havasu City, AZ 86403. Detailed information concerning this action is available at this address.

FOR FURTHER INFORMATION CONTACT: Sheri Ahrens, Realty Specialist, at the above address; phone 928–505–1200; or by email at *sahrens@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 for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The following described public lands in Mohave County, Arizona, are being considered for an R&PP conveyance.

Gila & Salt River Meridian, Arizona

T. 13 N., R. 19 W.
Section 20, N½SE¼, SE¼SE¼,
Section 21, S½,
Section 22, Lot 4, N½SW¼SW¼, SW¼SW¼SW¼,
Section 28, N½, N½S½,
Section 29, E½NE¼, NE¼SE¼.

The area described contains approximately 1,042.11 acres in Mohave County, Arizona. The lands are not needed for any other Federal purposes. Conveying title to the affected public land is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, would be subject to the following terms, conditions, and reservations:

1. Provision of the R&PP Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulation as the Secretary of the Interior may prescribe.

4. All valid exiting rights.

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's use, occupancy, or operation of the property. It will also contain any other terms and conditions deemed necessary and appropriate by the Authorized Officer.

The land was previously segregated and continues to be segregated from all forms of mineral entry and appropriation under the public land laws except for leasing or conveyance under the R&PP Act.

Classification Comments: Interested parties may submit comments on the suitability of the lands for a developed recreation area. Comments on the classification are restricted to whether the lands are physically suited for the proposal, whether the use will maximize the future use or uses of the lands, whether the use is consistent with local planning and zoning, or if the use is consistent with Federal and State programs.

Application Comments: Interested parties may submit comments regarding the specific uses proposed in the application and plans of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for recreation purposes. Any adverse comments will be reviewed by the BLM Arizona State Director.

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 available to the public at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2741.5)

William Mack,

Colorado River District Manager.

[FR Doc. 2018–17384 Filed 8–13–18; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB07000.L17110000.AL0000.LXSSH 1060000.18X.HAG 18–0138]

Notice of Subcommittee Meeting for the Steens Mountain Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Steens Mountain Advisory Council (SMAC) subcommittee will meet as indicated below.

DATES: The SMAC subcommittee on Public Lands Access, will hold a public meeting on Thursday, September 27, 2018, and Friday, September 28, at the Frenchglen School, Highway 205 South, in Frenchglen, Oregon. The schedule for the two-day meeting is 10 a.m. to 5 p.m. Pacific Daylight Time on Thursday, September 27, 2018, for a field tour on Steens Mountain, and 8:30 a.m. to 5 p.m. Pacific Daylight Time on Friday, September 28, 2018, for a regular business session. A public comment period will be held from 2–2:30 p.m. on Friday, September 28, 2018. The meeting may end early if all business items are accomplished ahead of schedule, or may be extended if discussions warrant more time.

ADDRESSES: The SMAC subcommittee on Public Lands Access will meet at the Frenchglen School, Highway 205 South, Frenchglen, Oregon, 97736. The field tour on Thursday, September 27, 2018, will leave from the Frenchglen School.

FOR FURTHER INFORMATION CONTACT: Tara Thissell, Public Affairs Specialist, 28910 Highway 20 West, Hines, Oregon 97738; 541–573–4519; *tthissell@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: The SMAC was initiated August 14, 2001, pursuant to the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act) (Pub. L. 106–399). The SMAC provides representative counsel and advice to the BLM regarding new and unique approaches to management of the land within the boundaries of the Steens Mountain Cooperative Management and Protection Area (CMPA), recommends cooperative programs and incentives for seamless landscape management that meet human needs, and advises the BLM on maintenance and improvement of the ecological and economic integrity of the area.

Agenda items include, but are not limited to: A field tour on September 27, 2018 to various areas on Steens Mountain; the annual recreation program report; review of one or more sections of the Steens Act; personnel, projects, and litigation update from the Designated Federal Official; discussion of the Nature's Advocate, LLC, inholder access Environmental Assessment, only if completed; a report on the BLM's Outcome-Based Grazing initiative; follow-up on member work between meetings on public land issues in the CMPA that may be pertinent to the BLM's capability and authority; a review of land exchanges, sales and purchases; information sharing about water rights and how they are issued, prioritized and processed; and regular business items such as approving the previous meeting's minutes, member round-table, and planning the next meeting's agenda. Any other matters that may reasonably come before the SMAC Subcommittee on Publlic Lands Access may also be included. All meetings are open to the public. The final agenda will be posted online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/steens-mac.*

During the public comment period, depending on the number of people wishing to comment, time for individual oral comments may be limted.

Written comments may be sent to the Burns District office, 28910 Highway 20 West, Hines, Oregon 97738. 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.

Authority: 43 CFR 1784.4–2.

Jeff Rose,

District Manager.

[FR Doc. 2018–17382 Filed 8–13–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–GATE–26024; PPNEGATEB0, PPMVSCS1Z.Y00000]

Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee Notice of Public Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the National Park Service (NPS) is hereby giving notice that the Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee will meet as indicated below.

DATES: The meeting will take place on Friday, September 7, 2018, at 9:00 a.m., with a public comment period at 11:00 a.m. (Eastern).

ADDRESSES: The meeting will be held in the meeting room at the Sandy Hook Chapel, 35 Hartshorne Drive, Sandy Hook, New Jersey 07332.

FOR FURTHER INFORMATION CONTACT: Daphne Yun, Acting Public Affairs Officer, Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305, or by telephone (718) 354–4602, or by email *daphne_yun@nps.gov.*

SUPPLEMENTARY INFORMATION: The Committee was established on April 18, 2012, by authority of the Secretary of the Interior (Secretary) under 54 U.S.C. 100906, and is regulated by the Federal Advisory Committee Act. The purpose of the Committee is to provide advice to the Secretary, through the Director of the National Park Service, on the development of a reuse plan and on matters relating to future uses of certain buildings at the Fort Hancock Historic District, located within the Sandy Hook Unit of Gateway National Recreation Area in New Jersey. All meetings are open to the public.

Purpose of the Meeting: The agenda will include an overview of both the leasing program and a park update.

The Committee website, *https://www.forthancock21.org,* includes summaries from all prior meetings. Interested persons may present, either orally or through written comments, information for the Committee to consider during the public meeting. Written comments will be accepted prior to, during, or after the meeting.

Due to time constraints during the meeting, the Committee is not able to read written public comments submitted into the record. Individuals or groups requesting to make oral comments at the public Committee meeting will be limited to no more than five minutes per speaker. All comments will be made part of the public record and will be electronically distributed to all Committee members.

Public Disclosure of Comments: Before including your address, phone number, email address, or other personal identifying information in your written comments, you should be aware that your entire comment including your personal identifying information will be publicly available. 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.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2018–17389 Filed 8–13–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83570000, 189R5065C6, RX.59389832.1009676; OMB Control Number 1006–0003]

Agency Information Collection Activities; Bureau of Reclamation Use Authorization Application

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Reclamation (Reclamation), are proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before October 15, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Jason Kirby, Bureau of Reclamation, Office of Policy and Administration, 84–57000, P.O. Box 25007, Denver, CO 80225–0007; or by email to *jkirby@usbr.gov.* Please reference OMB Control Number 1006–0003 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Jason Kirby by email at *jkirby@usbr.gov,* or by telephone at (303) 445–2895.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of Reclamation; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might Reclamation enhance the quality, utility, and clarity of the information to be collected; and (5) how might Reclamation minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Reclamation is responsible for approximately 6.5 million acres of land which directly support Reclamation's Federal water projects in the 17 western states. Individuals or entities wanting to use Reclamation's lands, facilities, or waterbodies must submit an application to gain permission for such uses. Examples of such uses are:

—Other commercial activities such as ''guiding and outfitting'' and ''filming and photography;''
—commercial or organized recreation activities, public gatherings, and other special events; and sporting activities;
—agricultural uses such as grazing and farming;
—resource exploration and extraction, including sand and gravel removal, timber harvesting; and
—any other uses deemed appropriate by Reclamation.

Reclamation reviews applications to determine whether granting individual use authorizations is compatible with Reclamation's present or future uses of the lands, facilities, or waterbodies. When we find a proposed use compatible, we advise the applicant of the estimated administrative costs and estimated application processing time. In addition to the administrative costs, we require the applicant to pay a use fee based on a valuation or by competitive bidding. If the application is for construction of a bridge, building, or other significant construction project, Reclamation may require that all plans and specifications be signed and sealed by a licensed professional engineer.

Title of Collection: Bureau of Reclamation Use Authorization Application.

OMB Control Number: 1006–0003.

Form Number: Form 7–2540.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Individuals, corporations, companies, and State and local entities who want to use Reclamation lands, facilities, or waterbodies.

Total Estimated Number of Annual Respondents: 225.

Total Estimated Number of Annual Responses: 225.

Estimated Completion Time per Response: 2 hours.

Total Estimated Number of Annual Burden Hours: 450 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Each time a use authorization is requested.

Total Estimated Annual Nonhour Burden Cost: 0.00

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: August 6, 2018.

Ruth Welch,

Director, Policy and Administration.

[FR Doc. 2018–17503 Filed 8–13–18; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Beverage Dispensing Systems and Components Thereof, DN 3331;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Heineken International B.V., Heineken Supply Chain B.V., and Heineken USA Inc. on August 2, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain beverage dispensing systems and components thereof. The complaint names as respondents: Anheuser-Busch InBev S.A. of Belgium; InBev Belgium N.V. of Belgium; and Anheuser-Busch, LLC of St. Louis, MO. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant 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 requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial 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 requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

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 § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3331) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] 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 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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 2, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–17366 Filed 8–13–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Motorized Vehicles and Components Thereof, DN 3330;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and 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 United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of FCA US LLC on August 1, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain motorized vehicles and components thereof. The complaint names as respondents: Mahindra & Mahindra, Ltd of India and Mahindra Automotive North America, Inc. of Auburn Hills, MI. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant 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 requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial 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 requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which

complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

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 § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3330'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures).[1] 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 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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: August 2, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–17368 Filed 8–13–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on HEDGE IV

Notice is hereby given that, on August 1, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on HEDGE IV (''HEDGE IV'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Woodward, Inc., Fort Collins, CO, and Nissan Motor Co., Ltd., Kanagawa, JAPAN, have been added as parties to this venture.

Also, Chery Automotive Co., Ltd., Wuhu Anhui, PEOPLE'S REPUBLIC OF CHINA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HEDGE IV intends to file additional written notifications disclosing all changes in membership.

On February 14, 2017, HEDGE IV filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 2017 (82 FR 15238).

The last notification was filed with the Department on June 11, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 9, 2018 (83 FR 31776).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–17358 Filed 8–13–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number: 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office of Private Sector, Federal Bureau of Investigation, Department of Justice.

ACTION: 30 Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Office of Private Sector, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until September 13, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael Whitaker, Supervisory Special Agent, Federal Bureau of Investigation, Office of Private Sector, 935 Pennsylvania Ave. NW, Washington, DC 20535, *MJWhitaker@fbi.gov,* 202–324–3000. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of Private

Sector, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Information Collection

1. *Type of Information Collection:* New Collection.

2. *The Title of the Form/Collection:* Annual Private Sector Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Un-Numbered. The applicable component within the Department of Justice is the Federal Bureau of Investigation, Office of Private Sector.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Survey will affect businesses or other for-profit, and not-for-profit institutions. The survey is intended to measure the effectiveness of the FBI's Office of Private Sector's engagement efforts with the Private Sector.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Approximately 600 respondents. Average response time: 15 minutes per respondent.

6. *An estimate of the total public burden (in hours) associated with the collection:* 150 hours (15 min × 600 respondents).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: August 9, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–17406 Filed 8–13–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0012]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 83 **Federal Register** 27025 on June 11, 2018, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until September 13, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program (Disability Grant Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0012. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 18 grantees of the Disability Grant Program. Grantees include states, units of local government, Indian tribal governments or tribal organizations and non-governmental private organizations. The goal of this program is to build the capacity of such jurisdictions to address such violence against individuals with disabilities through the creation of multi-disciplinary teams. Disability Grant Program recipients will provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities and enhance direct services to such individuals.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 18 respondents (Disability Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Disability Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 36 hours, that is 18 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: August 9, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–17408 Filed 8–13–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Modification of Consent Decree Under the Clean Water Act and Oil Pollution Act

On August 8, 2018, the Department of Justice lodged with the United States District Court for the Western District of Michigan a proposed Third Modification of Consent Decree in the lawsuit entitled *United States* v. *Enbridge Energy, Limited Partnership, et al.,* Civil Action No. 1:16-cv-914.

On May 23, 2017, the United States District Court for the Western District of Michigan approved and entered a Consent Decree that resolved specified claims asserted by the United States against Enbridge Energy, Limited Partnership and eight affiliated entities (''Enbridge'') under the Clean Water Act and Oil Pollution Act arising from two separate 2010 oil spills resulting from failures of Enbridge oil transmission pipelines near Marshall, Michigan and Romeoville, Illinois. The complaint filed by the United States alleged that Enbridge's pipelines had unlawfully discharged oil into waters of the United States and sought civil penalties, recovery of removal costs, and injunctive relief. The Consent Decree established various requirements applicable to a network of 14 pipelines that comprise Enbridge's Lakehead System—including requirements governing the installation of additional screw anchor supports along a portion of Enbridge's Line 5 pipeline located within the Straits of Mackinac, in Michigan. The proposed Third Modification of Consent Decree revises and clarifies the scope of the screw anchor installation provision set forth in Paragraph 68 of the Consent Decree approved by the Court. The proposed Third Modification identifies 70 specific locations where screw anchors are required to be installed based on information provided in a 2016 underwater inspection of Line 5 in the Straits of Mackinac. The proposed Third Modification also establishes revised criteria that would govern installation of any additional screw anchors that may be needed if future underwater inspections of Line 5 document changed conditions within the Straits of Mackinac.

The publication of this notice opens a period for public comment on the proposed Third Modification of Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Enbridge Energy, Limited Partnership, et al.,* D.J. Ref. No. 90–5–1–1–10099. 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 Third Modification of Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* The Justice Department will provide a paper copy of the proposed Third Modification of 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.

In requesting a paper copy, please enclose a check or money order for $5.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–17378 Filed 8–13–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0008]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice

ACTION: 30-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** at 83 **Federal Register** 27026 on June 11, 2018, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until September 13, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.* Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(Overview of This Information Collection

(1) Type of Information Collection: Revision of a currently approved collection.

(2) Title of the Form/Collection: Semi-Annual Progress Report for Grantees from the Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program (Elder Abuse Program).

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: 1122–0008. U.S. Department of Justice, Office on Violence Against Women.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public includes the approximately 18 grantees of the Elder Abuse Program. Elder Abuse Program grants may be used for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals. Grantees fund projects that focus on providing training for criminal justice professionals to enhance their ability to address elder abuse, neglect and exploitation in their communities and enhanced services to address these crimes.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 18 respondents (Elder Abuse Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. An Elder Abuse Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 36 hours, that is 18 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: August 9, 2018.

Melody Braswell,

Department Clearance Officer, PRA U.S. Department of Justice.

[FR Doc. 2018–17407 Filed 8–13–18; 8:45 am]

BILLING CODE 4410–FX–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–064)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the NASA Advisory Council (NAC).

DATES: Wednesday, August 29, 2018, 1:00–5:00 p.m.; and Thursday, August 30, 2018, 10:30 a.m.–4:00 p.m., PDT.

ADDRESSES: NASA Ames Research Center, NASA Ames Conference Center, Building 3, 500 Severyns Road, Ballroom, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Ms. Marla King, NAC Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1148 or *marla.k.king@nasa.gov.*

SUPPLEMENTARY INFORMATION: This meeting will be open to the public up to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the Toll Number 1–517–308–9086 or Toll Free Number 888–989–0726 and then the numeric passcode: 3899540, followed by the # sign to participate in this meeting by telephone on both days. NOTE: If dialing in, please ''mute'' your phone. To join via WebEx, the link is *https://nasa.webex.com/.* The meeting number on Wednesday, August 29, 2018, is 999 699 903 and the meeting password is 38NR3eC? (case sensitive). The meeting number on Thursday, August 30, 2018, is 994 724 844 and the meeting password is 293ijRu* (case sensitive).

The agenda for the meeting will include reports from the following:

—Aeronautics Committee
—Human Exploration and Operations Committee
—Science Committee
—Technology, Innovation and Engineering Committee
—Ad Hoc Task Force on STEM Education

For NASA Ames Research Center visitor access, please go through the Main Gate and show a valid government-issued identification (*i.e.,* driver's license, passport, etc.) to the security guard. Inform the security guard that you are attending a meeting in Building 3. Attendees will also be required to sign a register prior to entering the meeting room. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–17464 Filed 8–13–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995, and as part of its continuing effort to reduce paperwork and respondent burden, the National Center for Science and Engineering Statistics (NCSES) within the National Science Foundation (NSF) is inviting the general public or other Federal agencies to comment on this proposed continuing information collection. The NCSES will publish periodic summaries of the proposed projects.

DATES: Written comments on this notice must be received by October 15, 2018 to be assured consideration. Comments received after that date will be considered to the extent practicable. Send comments to address below.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18253, Alexandria, Virginia 22314; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal

Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

SUPPLEMENTARY INFORMATION:

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NCSES, including whether the information will have practical utility; (b) the accuracy of the NCSES's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, including through the use of automated collection techniques or other forms of information technology; and (d) 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.

Title of Collection: 2019 Survey of Doctorate Recipients.

OMB Approval Number: 3145–0020.

Expiration Date of Approval: June 30, 2020.

Type of Request: Intent to seek approval to renew an information collection for three years.

1. *Abstract.* The Survey of Doctorate Recipients (SDR) has been conducted biennially since 1973 and is a longitudinal survey. The 2019 SDR will consist of a sample of individuals under 76 years of age who have earned a research doctoral degree in a science, engineering or health (SEH) field from a U.S. institution. The purpose of this panel survey is to collect data that will be used to provide national estimates on the doctoral science and engineering workforce and changes in their employment, education and demographic characteristics.

The National Science Foundation Act of 1950, as subsequently amended, includes a statutory charge to ''. . . provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources, and to provide a source of information for policy formulation by other agencies of the Federal Government.'' The SDR is designed to comply with these mandates by providing information on the supply and utilization of the nation's doctoral level scientists and engineers.

Data will be obtained by web survey, mail questionnaire, and computer-assisted telephone interviews beginning in February 2019. The survey will be collected in conformance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and the individual's response to the survey is voluntary. NCSES will ensure that all information collected will be kept strictly confidential and will be used only for statistical purposes.

2. *Use of the Information.* NCSES uses the information from the SDR to prepare congressionally mandated reports such as *Women, Minorities and Persons with Disabilities in Science and Engineering* and *Science and Engineering Indicators.* NCSES publishes statistics from the SDR in many reports, but primarily in the biennial series, *Characteristics of Scientists and Engineers with U.S. Doctorates.* A public release file of collected data, designed to protect respondent confidentiality, also will be made available to researchers on the internet.

3. *Expected Respondents.* The U.S. Office of Management and Budget (OMB) previously directed that NCSES enhance and expand the sample to measure employment outcomes by the fine field of degree taxonomy used in the Survey of Earned Doctorates. This was initiated in the 2015 cycle and maintained in the 2017 cycle. For the 2019 SDR, a statistical sample of approximately 120,000 individuals with U.S. earned doctorates in science, engineering or health will be contacted. This sample will include approximately 106,400 individuals residing in the U.S. and 13,600 residing abroad. NCSES expects the overall 2019 SDR response rate to be approximately 75 percent.

4. *Estimate of Burden.* The amount of time to complete the questionnaire may vary depending on an individual's circumstances; however, on average, it takes approximately 25 minutes. Thus, NCSES estimates that the total annual burden for both components will be 37,500 hours (that is, 120,000 respondents at 75% response rate for 25 minutes).

Dated: August 8, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–17359 Filed 8–13–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0094]

Information Collection: NRC Form 171, ''Duplication Request''

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''NRC Form 171, Duplication Request.''

DATES: Submit comments by October 15, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0094. 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.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2 F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0094 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0094. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2018–0094 on this website.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML18151B019. The supporting statement is available in ADAMS under Accession No. ML18151B018.

- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

Please include Docket ID NRC–2018–0094 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 171, ''Duplication Request.''
2. *OMB approval number:* 3150–0066.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* NRC Form 171.
5. *How often the collection is required or requested:* As needed (determined by the public ordering documents.)
6. *Who will be required or asked to respond:* Individuals, companies, or organizations requesting document duplication.
7. *The estimated number of annual responses:* 74.
8. *The estimated number of annual respondents:* 74.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 6.
10. *Abstract:* NRC Form 171 is used by the Public Document Room (PDR) staff members who collect information from the public requesting reproduction of publicly available documents in NRC Headquarters' PDR. The information collected on the form is necessary for the reproduction contractor to process and fulfill reproduction service orders from members of the public. Copies of the form are used by the reproduction contractor to accompany the orders. One copy of the form is kept by the contractor for their records, one copy is sent to the public requesting the documents, and the third copy (with no credit card data) is kept by the PDR staff for 90 calendar days, and then securely discarded.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 9th day of August, 2018.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–17455 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0164]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from July 17, 2018, to July 30, 2018. The last biweekly notice was published on July 31, 2018.

DATES: Comments must be filed by September 13, 2018. A request for a hearing must be filed by October 15, 2018.

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

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0164. 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.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments,

see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2242; email *Paula.Blechman@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0164, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0164.
- *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 ''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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

B. Submitting Comments

Please include Docket ID NRC–2018–0164, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of

the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to

MSHD.Resource@nrc.gov, or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of amendment request: July 31, 2015, as supplemented by letters dated April 11, 2016; November 3, 2017; May 18, 2018; and June 1, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML15218A300, ML16102A463, ML17307A188, ML18138A480, and ML18152B874, respectively.

Description of amendment request: The amendments would modify the technical specification (TS) requirements related to Completion Times (CTs) for Required Actions to provide the option to calculate longer, risk-informed CTs. The methodology for using the Risk Informed Completion Time (RICT) Program is described in Nuclear Energy Institute (NEI) topical report NEI 06–09, ''Risk-Informed Technical Specifications Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines,'' Revision 0–A (ADAMS Accession No. ML12286A322), which was approved by the NRC on May 17, 2007. The license amendment request (LAR) was originally noticed in the **Federal Register** on December 8, 2015 (80 FR 76317). The licensee originally proposed to adopt, with plant-specific variations, Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 1, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk Informed TSTF] Initiative 4b'' (ADAMS Accession No. ML111650552). By letter dated November 15, 2016 (ADAMS Accession No. ML16281A021), the NRC staff informed the TSTF of its decision to suspend NRC approval of TSTF–505, Revision 1, because of concerns identified during the review of plant-specific LARs for adoption of the traveler. The NRC staff's letter also stated that it would continue reviewing applications already received and site-specific proposals to address the staff's concerns. Although the scope of the amendment request has not changed, the basis for the amendments will no longer rely on TSTF–505. This notice is being reissued in its entirety to include the revised description of the amendment request. The proposed no significant hazards consideration determination is identical to the one published in the **Federal Register** on December 8, 2015.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change permits the use of RICTs provided the associated risk is assessed and managed in accordance with the NRC-accepted RICT Program. The proposed use of RICTs does not involve a significant increase in the probability of an accident previously evaluated because the change only affects TS Conditions, Required Actions and CTs associated with risk informed technical specifications and does not involve changes to the plant, its modes of operation, or TS mode applicability. The proposed license amendment references regulatory commitments to achieve the baseline PRA [probabilistic risk assessment] risk metrics specified in the NRC model evaluation. The changes proposed by regulatory commitments will be implemented under the requirements of 10 CFR 50.59 without the need for prior NRC approval. The proposed change does not increase the consequences of an accident because the accident mitigation functions of the affected systems, structures, or components (SSCs) are not changed.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change permits the use of RICTs provided the associated risk is assessed and managed in accordance with the NRC-accepted RICT Program. The proposed use of RICTs does not create the possibility of a new or different kind of accident from any accident previously evaluated because the change only affects TS Conditions, Required Actions and CTs associated with risk informed technical specifications. The proposed change does not involve a physical alteration of the plant and does not involve installation of new or different kind of equipment. The proposed license amendment references regulatory commitments to achieve the baseline PRA risk metrics specified in the NRC model evaluation. The changes proposed by

regulatory commitments will be implemented under the requirements of 10 CFR 50.59 without the need for prior NRC approval. The proposed change does not alter the accident mitigation functions of the affected SSCs and does not introduce new or different SSC failure modes than already evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change permits the use of RICTs provided the risk levels associated with inoperable equipment within the scope of the RICT program are assessed and managed in accordance with the NRC approved RICT Program. The proposed change implements a risk-informed Configuration Risk Management Program (CRMP) to assure that adequate margins of safety are maintained. Application of these new specifications and the CRMP considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS. In this regard, the implementation of the CRMP is considered an improvement in safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involves no significant hazards consideration.

Attorney for licensee: Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, Arizona 85072–2034.

NRC Branch Chief: Robert J. Pascarelli.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: March 14, 2018. A publicly-available version is in ADAMS under Accession No. ML18073A137.

Description of amendment request: The proposed amendment modifies the technical specification definition of ''Shutdown Margin'' (SDM) to require calculation of the SDM at a reactor moderator temperature of 68 degrees Fahrenheit (°F) per hour or a higher temperature that represents the most reactive state throughout the operating cycle. This change is needed to address new boiling water reactor (BWR) fuel designs, which may be more reactive at shutdown temperatures above 68 °F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the definition of SDM. SDM is not an initiator to any accident previously evaluated. Accordingly, the proposed change to the definition of SDM has no effect on the probability of any accident previously evaluated. SDM is an assumption in the analysis of some previously evaluated accidents and inadequate SDM could lead to an increase in consequences for those accidents. However, the proposed change revises the SDM definition to ensure that the correct SDM is determined for all fuel types at all times during the fuel cycle.

As a result, the proposed change does not adversely affect the consequences of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the definition of SDM. The change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operations. The change does not alter assumptions made in the safety analysis regarding SDM.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the definition of SDM. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change ensures that the SDM assumed in determining safety limits, limiting safety system settings or limiting conditions for operation is correct for all BWR fuel types at all times during the fuel cycle. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jon P. Christinidis, DTE Energy, Expert Attorney—Regulatory, 688 WCB, One Energy Plaza, Detroit, MI 48226–1279.

NRC Branch Chief: David J. Wrona.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Unit Nos. 1 and 2 (CNS), York County, South Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Unit Nos. 1 and 2 (MNS), Mecklenburg County, North Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Unit Nos. 1, 2, and 3 (ONS), Oconee County, South Carolina

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant (BNP), Unit Nos. 1 and 2, Brunswick County, North Carolina

Duke Energy Progress, LLC, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2 (RNP), Darlington County, South Carolina

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1 (HNP), Wake County, North Carolina

Date of amendment request: June 20, 2018. A publicly-available version is in ADAMS under Accession No. ML18172A315.

Description of amendment request: The amendments would revise the Emergency Action Levels (EALs) for CNS, MNS, ONS, BNP, HNP, and RNP consistent with Emergency Preparedness Frequently Asked Questions (EPFAQs) 2015–013 (EAL HG1.1) and 2016–002 (EALs CA6.1 and SA9.1 (SA8.1 for BNP)). The amendments would revise the EALs for HNP and RNP consistent with EPFAQ 2015–014 (EAL HS6.1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to EALs HG1.1, CA6.1, SA9.1 (SA8.1 for BNP), and HS6.1 do not reduce the capability to meet the emergency planning requirements established in 10 CFR 50.47 and 10 CFR [Part] 50, Appendix E. The proposed changes do not reduce the functionality, performance, or capability of Duke Energy's Emergency Response Organization (ERO) to respond in mitigating the consequences of any design basis accident. The proposed changes do not involve any physical changes to plant

equipment or systems, nor do they alter the assumptions of any accident analyses. The proposed changes do not adversely affect accident initiators or precursors nor do they alter the design assumptions, conditions, and configuration or the manner in which the plants are operated and maintained. The proposed changes do not adversely affect the ability of Structures, Systems, or Components (SSCs) to perform their intended safety functions in mitigating the consequences of an initiating event within the assumed acceptance limits. There is no impact on the source term or pathways assumed in accidents previously assumed. No analysis assumptions are violated and there are no adverse effects on the factors that contribute to offsite or onsite dose as the result of an accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to EALs HG1.1, CA6.1, SA9.1 (SA8.1 for BNP), and HS6.1 do not involve any physical changes to plant systems or equipment. The proposed changes do not involve the addition of any new plant equipment. The proposed changes will not alter the design configuration, or method of operation of plant equipment beyond its normal functional capabilities. All Duke Energy ERO functions will continue to be performed as required. The proposed changes do not create any new credible failure mechanisms, malfunctions, or accident initiators.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment system.

The proposed changes to EALs HG1.1, CA6.1, SA9.1 (SA8.1 for BNP), and HS6.1 do not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. There are no changes to setpoints or environmental conditions of any SSC or the manner in which any SSC is operated. Margins of safety are unaffected by the proposed changes. The applicable requirements of 10 CFR 50.47 and 10 CFR [Part] 50, Appendix E will continue to be met.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street, Mail Code DEC45A, Charlotte NC 28202.

NRC Acting Branch Chief: Booma Venkatamaraman.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant (PNP), Van Buren County, Michigan

Date of amendment request: May 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18152A922.

Description of amendment request: The proposed amendment would revise the PNP Technical Specification (TS) 3.3.5, ''Diesel Generator (DG)—Undervoltage Start (UV Start),'' Surveillance Requirement (SR) 3.3.5.2a by adding a channel calibration requirement for the combined time delay setpoints for the degraded voltage sensing relay and the degraded voltage time delay relay.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would revise a TS SR to include, for each degraded voltage channel, calibration of the time delay setpoint for the degraded voltage sensing relay in combination with the setpoint for the time delay relay. The minimum time delay setpoint in the revised TS SR would be long enough to override any brief voltage disturbances. The maximum time delay setpoint in the revised TS SR would be short enough to not exceed the maximum time delays assumed in the PNP Final Safety Analysis Report accident analyses for the operation of safety related equipment and to not result in failure of safety related equipment due to sustained degraded voltage conditions. Therefore, safety related loads would be available to perform their required safety functions under these conditions.

The proposed change does not adversely affect accident initiators or precursors, and does not affect the design assumptions, conditions, or configuration of the plant, or the manner in which the plant is operated or maintained.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would revise a TS SR to include, for each degraded voltage channel, calibration of the time delay setpoint for the degraded voltage sensing relay in combination with the time delay setpoint for the time delay relay. The conduct of surveillance tests on safety related plant equipment is a means of assuring that the equipment is capable of performing its functions that are credited in the safety analyses for the facility. The proposed amendment would not affect the operation of safety related equipment assumed in accident analyses, and would not create any new failure mechanisms, malfunctions, or accident initiators not considered in the design and licensing bases.

Therefore, the possibility of a new or different kind of accident from any previously evaluated has not been created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment would revise a TS SR to include, for each degraded voltage channel, calibration of the time delay setpoint for the degraded voltage sensing relay in combination with the time delay setpoint for the time delay relay. The conduct of surveillance tests on safety related plant equipment is a means of assuring that the equipment is capable of maintaining the margin of safety established in the safety analyses for the facility. The proposed amendment would not introduce changes to limits established in the accident analyses. The minimum time delay setpoint in the revised TS SR would be long enough to override any brief voltage disturbances. The maximum time delay setpoint in the revised TS SR would be short enough to not exceed the maximum time delays assumed in the PNP Final Safety Analysis Report accident analyses for the operation of safety related equipment and to not result in failure of safety related equipment due to sustained degraded voltage conditions.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anna Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Ave., NW, Washington, DC 20001.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and No. 50–353, Limerick Generating Station, Unit Nos. 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Unit Nos. 1 and 2, Oswego County, New York

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York and Lancaster Counties, Pennsylvania

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, Rock Island County, Illinois

Date of amendment request: June 15, 2018. A publicly-available version is in ADAMS under Accession No. ML18166A197.

Description of amendment request: The amendments would revise the technical specification (TS) requirements associated with the average power range monitors (APRMs).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The APRM system and the RPS [reactor protection system] are not initiators of any accidents previously evaluated. As a result, the proposed change does not affect the probability of any accident previously evaluated. The APRM system and the RPS functions act to mitigate the consequences of accidents previously evaluated. The reliability of the APRM system and the RPS is not significantly affected by removing the gain adjustment requirement on the APRM channels when the APRMs are calibrated conservatively with respect to the calculated heat balance. This is because the actual core thermal power at which the reactor will automatically trip is lower, thereby increasing the margin to the core thermal limits and the limiting safety system settings assumed in the safety analyses. The consequences of an accident during the adjustment of the APRM instrumentation are no different from those during the existing surveillance testing period or the existing time allowed to restore the instruments to operable status. As a result, the ability of the APRM system and the RPS to mitigate any accident previously evaluated is not significantly affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not alter the protection system designs, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant; no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety provided by the APRM system and the RPS is to ensure that the reactor is shut down automatically when plant parameters exceed the setpoints for the system. Any reduction in the margin of safety resulting from the adjustment of the APRM channels while continuing operation is considered to be offset by delaying a plant shutdown (*i.e.,* a transient) for a short time with the APRM system, the primary indication of core power and an input to the RPS, not calibrated. Additionally, the short time period required for adjustment is consistent with the time allowed by TS to restore the core power distribution parameters to within limits and is acceptable based on the low probability of a transient or design basis accident occurring simultaneously with inaccurate APRM channels.

The proposed changes do not alter setpoints or limits established or assumed by the accident analyses. The TS continue to require operability of the RPS functions, which provide core protection for postulated reactivity insertion events occurring during power operating conditions consistent with the plant safety analyses.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Date of amendment request: April 19, 2018. A publicly-available version is in ADAMS under Accession No. ML18157A123.

Description of amendment request: The amendments would revise licenses and the technical specifications (TSs) as follows:

- Division 3 Battery Surveillance Testing

The proposed amendments would revise TS 3.8.4, ''DC Sources-Operating,'' and TS 3.8.6, ''Battery Parameters,'' by removing the Mode restrictions for performance of TS surveillance requirements (SRs) 3.8.4.3 and 3.8.6.6 for the Division 3 direct current (DC) electrical power subsystem battery. The Division 3 DC electrical power subsystem feeds emergency DC loads associated with the high pressure core spray (HPCS) system. Surveillance Requirement 3.8.4.3 verifies that the battery capacity is adequate for the battery to perform its required functions. Surveillance Requirement 3.8.6.6 verifies battery capacity is greater than or equal to (≥) 80 percent of the manufacturer's rating when subjected to a performance discharge test (or a modified performance discharge test). The proposed amendments would remove these Mode restrictions for the Division 3 battery, allowing performance of SRs 3.8.4.3 and 3.8.6.6 for the Division 3 battery during Mode 1 or 2, potentially minimizing impact on HPCS unavailability. Eliminating the requirement to perform SRs 3.8.4.3 and 3.8.6.6 only during Mode 3, 4, or 5 (hot shutdown, cold shutdown, or refueling conditions) will provide greater flexibility in scheduling Division 3 battery testing activities by allowing the testing to be performed during non-outage times.

- High Pressure Core Spray Diesel Generator Surveillance Testing

The proposed amendments would revise TS 3.8.1, ''AC Sources-Operating,'' by revising certain SRs pertaining to the Division 3 diesel generator (DG). The Division 3 DG is an

independent source of onsite alternating current (AC) power dedicated to the HPCS system. The TSs currently prohibit performing the testing required by SRs 3.8.1.9, 3.8.1.10, 3.8.1.11, 3.8.1.12, 3.8.1.13, 3.8.1.16, 3.8.1.17, and 3.8.1.19, in Modes 1 or 2. The proposed amendments would remove these Mode restrictions and allow all eight of the identified SRs to be performed in any operating Mode for the Division 3 DG. The Mode restrictions will remain applicable to the other two safety-related (Division 1 and Division 2) DGs.

The proposed change will provide greater flexibility in scheduling Division 3 DG testing activities by allowing the testing to be performed during non-outage times. Having a completely tested Division 3 DG available for the duration of a refueling outage will reduce the number of system re-alignments and operator workload during an outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously analyzed?

Response: No.

The Division 3 HPCS DG electrical power subsystem and its associated emergency loads are accident mitigating features, not accident initiators. Therefore, the proposed TS changes to allow the performance of certain Division 3 AC Sources surveillance testing in any plant operating Mode will not significantly impact the probability of any previously evaluated accident.

The design and function of plant equipment is not being modified by the proposed changes. Neither the battery test frequency nor the time that the TSs allow the HPCS system to be inoperable are being revised. Battery testing in accordance with the proposed TS changes will continue to verify that the Division 3 DC electrical power subsystem is capable of performing its required function of providing DC power to HPCS system equipment, consistent with the plant safety analyses. The battery testing will occur during a planned HPCS outage and therefore will not result in an increase in risk above the current work practices of planned HPCS system maintenance outages. Any risk associated with the testing of the Division 3 battery will be bounded and addressed with the risk associated with the HPCS system outage. In addition, the HPCS system reliability and availability are monitored and evaluated in relationship to Maintenance Rule goals to ensure that total outage times do not degrade operational safety over time.

Testing is limited to only one electrical division of equipment at a time to ensure that design basis requirements are met. Should a fault occur while testing the Division 3 battery, there would be no significant impact on any accident consequences since the other two divisional DC electrical power subsystems and their associated emergency loads would be available to provide the minimum safety functions necessary to shut down the unit and maintain it in a safety shutdown condition.

The Division 3 HPCS DG and its associated emergency loads are accident mitigating features, not accident initiators. Therefore, the proposed TS changes to allow the performance of Division 3 DG surveillance testing in any plant operating mode will not significantly impact the probability of any previously evaluated accident.

The design of plant equipment is not being modified by the proposed changes. As such, the ability of the Division 3 DG to respond to a design basis accident will not be adversely impacted by the proposed changes. The proposed changes to the TS surveillance testing requirements for the Division 3 DG do not affect the operability requirements for the DG, as verification of such operability will continue to be performed as required. Continued verification of operability supports the capability of the Division 3 DG to perform its required function of providing emergency power to HPCS system equipment, consistent with the plant safety analyses. Limiting testing to only one DG at a time ensures that design basis requirements are met. Should a fault occur while testing the Division 3 DG, there would be no significant impact on any accident consequences since the other two divisional DGs and associated emergency loads would be available to provide the minimum safety functions necessary to shut down the unit and maintain it in a safe shutdown condition.

Therefore, the proposed change does not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No changes are being made to the plant that would introduce any new accident causal mechanisms. Equipment will be operated in the same configuration with the exception of the plant operating mode in which the Division 3 battery and DG surveillance testing are conducted. Performance of these surveillance tests while online will continue to verify operability of the Division 3 battery and DG. The battery testing will potentially minimize the out-of-service time for the HPCS system. The proposed amendments do not impact any plant systems that are accident initiators and do not adversely impact any accident mitigating systems.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve a significant reduction in the margin of safety.

Margin of safety is related to confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed changes to the TS surveillance testing requirements for the Division 3 AC Sources and DG do not affect the operability requirements, as verification of such operability will continue to be performed as required. Continued verification of operability supports the capability of the Division 3 AC Sources and DG to perform the required functions of providing emergency power to HPCS system equipment, consistent with the plant safety analyses.

Consequently, the performance of the fission product barriers will not be adversely impacted by implementation of the proposed amendments. In addition, the proposed changes do not alter setpoints or limits established or assumed by the accident analysis.

The additional online unavailability of the HPCS system does not constitute a significant reduction in a margin of safety. The battery testing will be performed when the HPCS system is already out of service for a planned system outage and therefore the testing will not result in an increase in risk above the current work practices of planned system maintenance outages, as currently allowed by the TS.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos.1 and 2, St. Lucie County, Florida

Date of amendment request: December 5, 2014; as supplemented by letters dated July 8 and July 22, 2016; February 25, 2017; and February 1, March 15, and June 7, 2018. Publicly-available versions are in ADAMS under Accession Nos. ML14353A016, ML16193A659, ML16208A061, ML17058A181, ML18032A614, ML18074A116, and ML18158A228, respectively.

Description of amendment request: The amendments would modify the Technical Specification (TS) requirements related to Completion Times for Required Actions to provide the option to calculate longer, risk-

informed Completion Times. The amendments would also add a new program, the Risk Informed Completion Time (RICT) Program, to TS Section 6.0, ''Administrative Controls.'' The methodology for using the Risk Informed Completion Time Program is described in Nuclear Energy Institute (NEI) topical report NEI 06–09, ''Risk-Informed Technical Specifications Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines,'' Revision 0–A (ADAMS Accession No. ML12286A322), which was approved by the NRC on May 17, 2007. The license amendment request was originally noticed in the **Federal Register** on March 17, 2015 (80 FR 13908). The licensee originally proposed to adopt, with plant specific variations, Technical Specifications Task Force (TSTF) Traveler TSTF–505, Revision 1, ''Provide Risk-Informed Extended Completion Times—RITSTF [Risk Informed TSTF] Initiative 4b'' (Accession No. ML111650552). By letter dated November 15, 2016 (ADAMS Accession No. ML16281A021), the NRC staff informed the TSTF of its decision to suspend NRC approval of TSTF–505, Revision 1, because of concerns identified during the review of plant-specific license amendment requests for adoption of the traveler. The NRC staff's letter also stated that it would continue reviewing applications already received and site-specific proposals to address the staff's concerns. Although the scope of the amendment request has not changed, the basis for the amendments will no longer rely on TSTF–505. The notice is being reissued in its entirety to include the description of the amendment request and proposed no significant hazards consideration determination.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change permits the extension of Completion Times provided the associated risk is assessed and managed in accordance with the NRC[-]approved Risk Informed Completion Time Program. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the change involves no change to the plant or its modes of operation. The proposed change does not increase the consequences of an accident because the design-basis mitigation function of the affected systems is not changed and the consequences of an accident [occurring] during the extended Completion Time are no different from those [occurring] during the existing Completion Time.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design, configuration, or method of operation of the plant. The proposed change does not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change permits the extension of Completion Times provided risk is assessed and managed in accordance with the NRC[-]approved Risk Informed Completion Time Program. The proposed change implements a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Debbie Hendell, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd. MS LAW/JB, Juno Beach, Florida 33408–0420.

NRC Acting Branch Chief: Booma Venkataraman.

Northern States Power Company (NSPM), Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, (PINGP) Goodhue County, Minnesota

Date of amendment request: May 18, 2018. A publicly-available version is in ADAMS under Accession No. ML18138A402.

Brief description of amendment request: The proposed amendments would modify paragraph 2.C(4)(c) of the PINGP Renewed Facility Operating Licenses (RFOLs) which requires the implementation of modification to PINGP as described in Attachment S, Table S–2, of the PINGP license amendment request (LAR) dated December 14, 2016, to adopt the National Fire Protection Association Standard (NFPA) 805. Specifically, NSPM is requesting the deletion of five modifications from Table S–2 of the December 14, 2016, LAR.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment adds a reference to this letter to the PINGP, Units 1 and 2, RFOLs. The changes encompassed by this proposed amendment are to delete five modifications that are no longer needed from a risk perspective. The revision is based on five changes to Table S–2 proposed in this license amendment request (LAR). The proposed changes have been reviewed in the fire Probabilistic Risk Assessment (PRA) model approved as part of PINGP's transition to NFPA 805 and the results were found to be acceptable. Fire protection defense in depth and adequate safety margins are maintained with the changes proposed in this LAR.

The proposed change does not adversely affect accident initiators or precursors, nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not increase the probability or consequences of an accident as verified by the risk analysis performed.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed amendment adds a reference to this letter to the PINGP, Units 1 and 2, RFOLs. The changes encompassed by this proposed amendment are to delete five modifications that are no longer needed from a risk perspective. The revision is based on five changes to Table S–2 proposed in this LAR. The proposed changes have been reviewed in the fire PRA model approved as part of PINGP's transition to NFPA 805 and the results were found to be acceptable. Fire protection defense in depth and adequate safety margins are maintained with the changes proposed in this LAR.

The proposed changes will not result in any new or different kinds of accident from that previously evaluated because it does not

change any precursors or equipment that is previously credited for accident mitigation.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment adds a reference to this letter to the PINGP, Units 1 and 2, RFOLs. The changes encompassed by this proposed amendment are to delete five modifications that are no longer needed from a risk perspective. The revision is based on five changes to Table S–2 proposed in this LAR. The proposed changes have been reviewed in the fire PRA model approved as part of PINGP's transition to NFPA 805 and the results were found to be acceptable. Fire protection defense in depth and adequate safety margins are maintained with the changes proposed in this LAR.

The proposed change does not adversely affect any SSCs credited for accident mitigation. The margins of safety previously evaluated are not significantly affected. The change does not affect the design function or capabilities of any plant systems.

Therefore, the proposed changes will not impact or reduce any margins of safety previously evaluated.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David J. Wrona.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, (PINGP) Goodhue County, Minnesota

Date of amendment request: June 26, 2018. A publicly-available version is in ADAMS under Accession No. ML18177A450.

Brief description of amendment request: The proposed amendments would revise PINGP Technical Specifications (TSs) by eliminating second Completion Times limiting time from discovery of failure to meet a limiting condition for operation (LCO). These changes are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–439, Revision 2, ''Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates second Completion Times from the Technical Specifications. Completion Times are not an initiator to any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident during the revised Completion Time are no different than the consequences of the same accident during the existing Completion Times. As a result, the consequences of an accident previously evaluated are not affected by this change. The proposed change does not alter or prevent the ability of SSCs [structures, systems, and components] from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the types or amounts of radioactive effluent that may be released offsite nor significantly increase individual or cumulative occupational/public radiation exposures. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The proposed change does not alter any assumptions made in the safety analysis.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to delete the second Completion Time does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside of the design basis.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David J. Wrona.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

PSEG Nuclear LLC and Exelon Generation Company, LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: June 29, 2018. A publicly-available version is in ADAMS under Accession No. ML18183A343.

Description of amendment request: The amendments would revise technical specification (TS) requirements in Section 3/4.0, ''Applicability,'' regarding Limiting Condition for Operation (LCO) and Surveillance Requirement (SR) usage. These changes are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–529, ''Clarify Use and Application Rules.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to LCO 3.0.4 have no effect on the requirement for systems to be Operable and have no effect on the application of TS actions. The proposed change to SR 4.0.3 states that the allowance may only be used when there is a reasonable expectation the surveillance will be met when performed. Since the proposed changes do not significantly affect system Operability, the proposed changes will have no significant effect on the initiating events for accidents previously evaluated and will have no significant effect on the ability of the systems to mitigate accidents previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the TS usage rules does not affect the design or function of any plant systems. The proposed change does not change the Operability requirements for plant systems or the actions taken when plant systems are not operable.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change clarifies the application of LCO 3.0.4 and does not result in changes in plant operation. SR 4.0.3 is revised to allow application of SR 4.0.3 when an SR has not been previously performed and there is reasonable expectation that the SR will be met when performed. This expands the use of SR 4.0.3 while ensuring the affected system is capable of performing its safety function. As a result, plant safety is either improved or unaffected.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ryan K. Lighty, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2541.

NRC Branch Chief: James G. Danna.

United States Maritime Administration (MARAD), Docket No. 50–238, Nuclear Ship SAVANNAH (NSS), Baltimore, Maryland

Date of amendment request: June 19, 2018. A publically-available version is in ADAMS under Accession No. ML18173A128.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Section 2.0, ''Radioactive Releases,'' from its original custom form to industry typical 10 CFR 50.36a TSs for effluents from nuclear power reactors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment is administrative and does not involve modification of any plant equipment or affect basic plant operation. The proposed amendment revises all of Technical Specification Section 2.0, *Radioactive Releases* from its original custom form to typical 10 CFR 50.36a, Technical Specifications on effluents from nuclear power reactors that are consistent with those of plants in advanced stages of decommissioning. The proposed amendment also deletes three Technical Specifications whose requirements are included in STS–005–020, *Offsite Dose Calculation Manual* and therefore, are no longer necessary as standalone Technical Specifications. These three Technical Specifications include one associated with the annual report, one associated with area monitoring thermoluminescent dosimeters and one associated with environmental monitoring.

The NSS's reactor is not operational and the level of radioactivity in the NSS has significantly decreased from the levels that existed when the final shutdown was completed on November 8, 1970. No aspect of any of the proposed changes is an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

All of the proposed changes are administrative and do not involve physical alteration of plant equipment that was not previously allowed by Technical Specifications. The proposed amendment revises all of Technical Specification Section 2.0, *Radioactive Releases* from its original custom form to typical 10 CFR 50.36a, Technical Specifications on effluents from nuclear power reactors that are consistent with those of plants in advanced stages of decommissioning. The proposed amendment also deletes three Technical Specifications whose requirements are included in STS–005–020, *Offsite Dose Calculation Manual* and therefore, are no longer necessary as standalone Technical Specifications. These three Technical Specifications include one associated with the annual report, one associated with area monitoring thermoluminescent dosimeters and one associated with environmental monitoring.

These proposed changes do not change the method by which any safety-related system performs its function given that all primary, auxiliary and secondary systems are deactivated, disabled and perform no active function. No new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

Response: No.

All of the proposed changes are administrative in nature. The proposed amendment revises all of Technical Specification Section 2.0, *Radioactive Releases* from its original custom form to typical 10 CFR 50.36a, Technical Specifications on effluents from nuclear power reactors that are consistent with those of plants in advanced stages of decommissioning. The proposed amendment also deletes three Technical Specifications whose requirements are included in STS–005–020, *Offsite Dose Calculation Manual* and therefore, are no longer necessary as standalone Technical Specifications. These three Technical Specifications include one associated with the annual report, one associated with area monitoring thermoluminescent dosimeters and one associated with environmental monitoring.

No margins of safety exist that are relevant to the ship's defueled and partially dismantled reactor. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed changes.

As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety or are relevant to the ship's defueled and partially dismantled reactor as a result of the proposed changes.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Advisor for licensee: Erhard W. Koehler, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Ave. SE, Washington, DC 20590.

NRC Branch Chief: Bruce Watson.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: May 17, 2018. A publicly-available version is in ADAMS under Accession No. ML18137A418.

Brief description of amendment request: The proposed amendment would revise Technical Specifications 2.1.1, ''Reactor Core SLs [safety limits]'' to change Cycle 24 Safety Limit Minimum Critical Power Ratio (SLMCPR) numeric values resulting from SLMCPR analyses performed.

*Date of publication of individual notice in **Federal Register**:* July 13, 2018 (83 FR 32691).

Expiration date of individual notice: August 13, 2018 (public comments); September 11, 2018 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: July 17, 2017, as supplemented by letter dated January 8, 2018.

Brief description of amendment: The amendment revised Fermi 2 Technical Specification (TS) 3.7.2, ''Emergency Equipment Cooling Water (EECW)/ Emergency Equipment Service Water (EESW) System and Ultimate Heat Sink (UHS).'' Specifically, the amendment revised TS 3.7.2 conditions and surveillance requirements to reflect a proposed change to the design of the two redundant cross-tie lines that are part of the UHS.

Date of issuance: July 17, 2018.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 209. A publicly-available version is in ADAMS under Accession No. ML18144A064; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–43: Amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* September 26, 2017 (82 FR 44850). The supplemental letter dated January 8, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 17, 2018.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit No. 3, St. Charles Parish, Louisiana

Date of amendment request: November 28, 2017, as supplemented by letters dated December 7, 2017, and May 8, 2018.

Brief description of amendment: The amendment revised Section 4.3.3 of the Updated Final Safety Analysis Report to indicate that the RAPTOR–M3G code is used for reactor vessel fluence calculations. The use of the RAPTOR–M3G code meets the criteria present in Regulatory Guide (RG) 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' dated March 2001.

Date of issuance: July 23, 2018.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment No.: 252. A publicly-available version is in ADAMS under Accession No. ML18180A298; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–38: The amendment revised the Updated Final Safety Analysis Report.

*Date of initial notice in **Federal Register**:* January 16, 2018 (83 FR 2228). The supplement dated May 8, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 23, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC and Exelon FitzPatrick, LLC, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: September 14, 2017, as supplemented by letter dated March 15, 2018.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.6.4.1, ''Secondary Containment,'' Surveillance Requirement (SR) 3.6.4.1.3. The SR is revised to address conditions during which the secondary containment pressure may not meet the SR pressure requirements.

Date of issuance: July 19, 2018.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 319. A publicly-available version is in ADAMS under Accession No. ML18180A372; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: The amendment revised the Renewed Facility Operating License and TSs.

*Date of initial notice in **Federal Register**:* November 7, 2017 (82 FR 51650). The supplemental letter dated March 15, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 19, 2018.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: August 11, 2017.

Brief description of amendments: The amendments changed the respective technical specifications (TSs) as follows:

The changes revised Section 1.3, ''Completion Times,'' and Section 3.0, ''LCO Applicability'' of the TSs to clarify the use and application of the TS usage rules, as described below:

- Section 1.3 is revised to clarify ''discovery'' and to discuss exceptions to starting the Completion Time at condition entry.
- Limiting Condition for Operation (LCO) 3.0.4.b is revised to clarify that LCO 3.0.4.a, LCO 3.0.4.b, and LCO 3.0.4.c are independent options.
- Surveillance Requirement (SR) 3.0.3 is revised to allow application of SR 3.0.3 when an SR has not been previously performed and to clarify the application of SR 3.0.3.

The changes to the TSs are consistent with Technical Specifications Task Force (TSTF–529), Revision 4, ''Clarify Use and Application Rules.'' The NRC staff-issued safety evaluation for TSTF–529 was provided to the Technical Specifications Task Force in a letter dated April 21, 2016. This review included a review of the NRC staff's evaluation, as well as the information provided in TSTF–529.

Date of issuance: July 30, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 303/192 (Beaver Valley Unit Nos. 1 and 2); 297 (Davis-Besse); and 182 (Perry). A publicly-available version is in ADAMS under Accession No. ML18179A467; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–66, NPF–73, NPF–3, and NPF–58: The amendments revised the Licenses and Technical Specifications.

*Date of initial notice in **Federal Register**:* November 7, 2017 (82 FR 51651).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 30, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: January 31, 2018.

Description of amendment: The amendments included changes to Combined License Appendix A, Technical Specifications (TSs) related to fuel management. Specifically, the amendments proposed improvements to the TSs for the Rod Position Indication, the Control Rod Drive Mechanism, Power Range Neutron Flux Channels and the Mechanical Shim Augmentation.

Date of issuance: July 19, 2018.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 134 (Unit 3) and 133 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML18082B374; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendments revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* February 27, 2018 (83 FR 8509).

The Commission's related evaluation of the amendments is contained in the Safety Evaluation dated July 19, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (Farley), Unit Nos. 1 and 2, Houston County, Alabama

Southern Nuclear Operating Company, Inc., Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant (Hatch), Unit Nos. 1 and 2, City of Dalton, Georgia

Southern Nuclear Operating Company, Inc., (SNC) Docket Nos. 50–424, 50–425, 52–025, 52–026, Vogtle Electric Generating Plant (Vogtle), Unit Nos. 1, 2, 3, and 4, Burke County, Georgia

Date of amendment request: August 30, 2017.

Brief description of amendments: The amendments relocated the emergency operations facility for the eight units of the SNC nuclear fleet from the SNC corporate headquarters in Birmingham, Alabama, to a new location 1.3 miles away.

Date of issuance: July 26, 2018.

Effective date: As of the date of issuance and shall be implemented 180 days of issuance.

Amendment Nos.: 220 (Farley, Unit 1), 217 (Farley, Unit 2), 291 (Hatch, Unit 1), 236 (Hatch, Unit 2), 195 (Vogtle, Unit 1), 178 (Vogtle, Unit 2), 136 (Vogtle, Unit 3), and 135 (Vogtle, Unit 4). A publicly-available version is in ADAMS under Accession No. ML18183A073; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–2. NPF–8, DPR–57, NPF–5, NPF–68, NPF–81, NPF–91, and NPF–92: Amendments revised the Facility Operating Licenses.

*Date of initial notice in **Federal Register**:* October 10, 2017 (82 FR 47038).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 26, 2018.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Unit Nos. 1 and 2, Matagorda County, Texas

Date of amendment request: July 31, 2017, as supplemented by letter dated February 12, 2018.

Brief description of amendment: The amendments revised the South Texas Project Electric Generating Station Emergency Plan to change the emergency response organization (ERO) staffing composition and increase the staff augmentation times for certain ERO positions from the time of declaration of an Alert or higher emergency

classification level. The changes also include formatting, clarification, and editorial modifications.

Date of issuance: July 19, 2018.

Effective date: As of the date of issuance and shall be implemented within 9 months from the date of issuance.

Amendment Nos.: 214 (Unit 1) and 200 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML18159A212; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Site Emergency Plan.

*Date of initial notice in **Federal Register**:* September 12, 2017 (82 FR 42855). The supplemental letter dated February 12, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated July 19, 2018.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units Nos. 1 and 2, Louisa County, Virginia

Date of amendment request: May 2, 2017, as supplemented by letters dated July 19, 2017, and January 31, 2018.

Brief description of amendments: The amendments revised North Anna Power Station (NAPS) Technical Specification (TS) 3.7.18, ''Spent Fuel Pool Storage,'' and TS 4.3.1, ''Criticality,'' to allow the storage of fuel assemblies with a maximum enrichment of up to 5.0 weight percent uranium 235 in the NAPS spent fuel pool storage racks and the New Fuel Storage Area. The amendments further revised the allowable fuel assembly parameters and fuel storage patterns in the spent fuel pool.

Date of issuance: July 27, 2018.

Effective date: As of the date of issuance and shall be implemented within 180 days of issuance.

Amendment Nos.: 279 (Unit 1) and 262 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML18180A197; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–4 and NPF–7: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register**:* March 6, 2018 (83 FR 9553). The supplemental letters dated July 19, 2017, and January 31, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 27, 2018.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 7th day of August, 2018.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–17132 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–57; NRC–2018–0166]

Termination of Operating License for the Buffalo Materials Research Center Reactor

AGENCY: Nuclear Regulatory Commission.

ACTION: License termination; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing notice of the termination of Facility Operating License No. R–77 for the Buffalo Materials Research Center (BMRC). The NRC has terminated the license of the decommissioned BMRC at the State University of New York at Buffalo (UB or the licensee) facility in Buffalo, New York, and has released the site for unrestricted use.

DATES: Notice of termination of Facility Operating License No. R–77 given on August 14, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0166 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2018–0166. 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 *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, 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.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *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: Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington D.C. 20555–0001; telephone: 301–415–1335; email: *Kimberly.Conway@nrc.gov.*

SUPPLEMENTARY INFORMATION:

The BMRC reactor in Buffalo, New York, was located on the south campus of UB. The BMRC reactor began operation in 1961 and was shut down on June 23, 1994. On June 6, 1997, the license was amended to possession only.

By letter dated February 17, 2012 (ADAMS Package No. ML120540187), as supplemented by letters dated June 20, 2012 (ADAMS Accession No. ML121870132), September 21, 2012 (ADAMS Accession No. ML122780454), and October 15, 2012 (ADAMS Accession No. ML12297A237), the licensee submitted a request to the NRC to approve a license amendment and a revised decommissioning plan (DP) for the BMRC reactor. The NRC approved the UB revised DP by Amendment No. 27, dated November 5, 2012 (ADAMS Accession No. ML12290A694).

In the Safety Evaluation Report related to the DP approval (ADAMS Accession No. ML12286A352), the NRC staff determined that the revised Final Status Survey (FSS) Plan for the BMRC (ADAMS Accession No. ML12278A373) was consistent with the guidance and methodology in NUREG–1575, ''Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM),'' and NUREG–1757, ''Consolidated

Decommissioning Guidance.'' The licensee's decommissioning activities included decontamination, dismantlement, and demolition of various systems, structures, and components followed by MARSSIM-based FSS.

By letter dated January 12, 2017, UB submitted the FSS Report for the BMRC and requested the termination of Facility Operating License No. R–77 (ADAMS Accession No. ML17039A897). The NRC staff reviewed the FSS Report, which states that the criteria for termination set forth in UB's license, and as established in its DP and FSS Plan, have been satisfied. Supplemental information was provided in an email from the licensee dated February 13, 2018 (ADAMS Accession No. ML18075A415), which addressed additional questions and items requiring clarification that were provided to the licensee.

Throughout the decommissioning process, inspectors from the NRC's Region I office conducted routine safety inspections at the BMRC, as documented in the following NRC Inspection Reports (IRs): IR 050–00057/2015–001 (ADAMS Accession No. ML16007A027), IR 050–00057/2014–001 (ADAMS Accession No. ML15027A411), IR 050–00057/2013–003 (ADAMS Accession No. ML14219A022), IR 050–00057/2013–002 (ADAMS Accession No. ML13204A096), and IR 050–00057/2013–001 (ADAMS Accession No. ML13106A379). The inspections consisted of observations by the inspectors, interviews with BMRC and contractor personnel, confirmatory measurements, collection of soil samples, and a review of work plans and work instructions. The NRC inspections also verified that radioactive waste associated with the decommissioning project had been shipped offsite and that the decommissioning and final status survey activities were being conducted safely and in accordance with regulatory requirements, licensee commitments, and the NRC-approved DP. No health or safety concerns were identified during the NRC inspections.

During the periods of January 26–29, February 3–6, and August 17–21, 2015, the Oak Ridge Associated Universities (ORAU) performed confirmatory surveys in support of the BMRC excavation, which included surveys of surrounding soils, backfill material, and soil laydown areas. The survey activities included visual inspections, gamma radiation surface scans, gamma and beta radiation measurements, and soil sampling activities of six FSS units, which were combined into two confirmatory survey units. At the time of confirmatory survey activities, structures associated with the BMRC had been demolished and removed from the site. The site consisted of exposed bedrock where the BMRC facility was located, and the impacted soils surrounding the excavation. The ORAU provided the results of the confirmatory surveys in a report dated January 6, 2016 (ADAMS Accession No. ML16006A200). The ORAU site data support the conclusion that the residual activity levels satisfy the DCGLs.

Based on observations during NRC inspections, decommissioning activities have been carried out by UB in accordance with the approved BMRC DP. Additionally, the NRC staff evaluated the licensee's FSS Report and the results of the independent confirmatory survey conducted by ORAU. Based on the NRC staff's evaluation of the FSS Report sampling and scanning data, NRC staff inspections, ORAU confirmatory analysis, and comparison to the BMRC reactor DP and FSS Plan criteria, the NRC staff concludes that the BMRC reactor decommissioning has been performed and completed in accordance with the approved DP, and that the facility and site are suitable for unrestricted release in accordance with the radiological criteria for license termination in 10 CFR part 20, subpart E.

Therefore, pursuant to 10 CFR 50.82(b)(6), Facility Operating License No. R–77 is terminated.

Dated at Rockville, Maryland, this 6th day of August, 2018.

For the Nuclear Regulatory Commission.

Andrea L. Kock,

Acting Director, Division of Decommissioning, Uranium Recovery and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–17456 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0209]

Information Collection: General Domestic Licenses for Byproduct Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''General Domestic Licenses for Byproduct Material.''

DATES: Submit comments by September 13, 2018.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0016), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, D.C. 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0209 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0209.
- *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 ''*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.* The supporting statement is available in ADAMS under Accession No. ML18164A186.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, ''General Domestic Licenses for Byproduct Material.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on April 10, 2018, 83 FR 15421.

1. *The title of the information collection:* Title 10 of the *Code of Federal Regulations* (10 CFR) part 31, ''General Domestic Licenses for Byproduct Material.''
2. *OMB approval number:* 3150–0016.
3. *Type of submission:* Revision.
4. *The form number if applicable:* N/A.
5. *How often the collection is required or requested:* Reports are submitted as events occur. General license registration requests may be submitted at any time. Changes to the information on the registration may be submitted as they occur.
6. *Who will be required or asked to respond:* Persons receiving, possessing, using, or transferring devices containing byproduct material.
7. *The estimated number of annual responses:* 140,281 (10,681 responses + 129,600 recordkeepers).
8. *The estimated number of annual respondents:* 10,681 (993 NRC licensee respondents + 9,688 Agreement State respondents).
9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 36,638 hours (4,926 hours for NRC licensees + 31,712 hours for Agreement State licensees).
10. *Abstract:* 10 CFR part 31 establishes general licenses for the possession and use of byproduct material in certain devices. General licensees are required to keep testing records and submit event reports identified in 10 CFR part 31, which assist the NRC in determining, with reasonable assurance, that devices are operated safely and without radiological hazard to users or the public.

Dated at Rockville, Maryland, this 9th day of August, 2018.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–17457 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8502; NRC–2012–0120]

Uranium One; Ludeman Satellite

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an amendment of License SUA–1341, to expand operations to the Ludeman Satellite at Uranium One's Willow Creek In-situ recovery (ISR) facility (Docket No. 40–8502). The NRC has prepared an environmental assessment (EA) and finding of no significant impact (FONSI) for this licensing action.

DATES: The environmental assessment referenced in this document is available on August 14, 2018.

ADDRESSES: Please refer to Docket ID NRC–2012–0120 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0120. 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 ''*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.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- 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: Ashley Waldron, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001; telephone: 301–415–7317; email: *Ashley.Waldron@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of an amendment of License No. SUA–1341, issued to Uranium One, for operation of the Ludeman Satellite, located in Wyoming, Converse County. Therefore, as required by part 51 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed an environmental assessment. Based on the results of the environmental assessment, the NRC has determined not to prepare an environmental impact statement for the amendment, and is issuing a finding of no significant impact.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would allow Uranium One to construct, operate, perform aquifer restoration, and decommissioning activities at the Ludeman Satellite. The proposed action is in accordance with the licensee's application dated December 3, 2011 (ADAMS Accession No. ML120120182).

Need for the Proposed Action

The proposed action allows Uranium One to recover uranium within the proposed Ludeman Satellite. The licensee would process the recovered uranium into yellowcake at the existing central processing plant (CPP) currently

located on the Willow Creek Irigaray site. Yellowcake is the uranium oxide product of the ISR milling process that is used to produce various products, including fuel for commercially-operated nuclear power reactors.

Environmental Impacts of the Proposed Action

The NRC staff has assessed the potential environmental impacts from the construction, operation, aquifer restoration, and decommissioning of the proposed Ludeman Satellite. The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management. All impacts were determined to be SMALL. The NRC staff concluded that license amendment for the Willow Creek ISR project license authorizing the construction and operation of the Ludeman Satellite would not significantly affect the quality of the human environment. Approval of the proposed action would not result in an increased radiological risk to public health or the environment.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). The no-action alternative would mean that the NRC would not approve the addition of the Ludeman Satellite to the existing Willow Creek ISR licensed permit area. In-situ uranium recovery would not occur within the Ludeman Satellite and the associated environmental impacts also would not occur.

Agencies and Persons Consulted

In accordance with its stated policy, on January 18, 2018, the NRC staff consulted with the U.S. Fish and Wildlife Service (FWS) regarding the proposed action. The FWS stated that no federally listed or proposed endangered or threatened species occur within the area affected by the proposed action. On February 27, 2018, the staff consulted with Wyoming Department of Environmental Quality (WDEQ), regarding the environmental impact of the proposed action. The WDEQ provided comments on the draft EA. Those comments were considered in preparation of the final EA and FONSI. On July 17, 2018, the Wyoming State Historic Preservation Office notified NRC that it concurred with its determinations of no effect at the Ludeman project.

Additional Information

The NRC staff conducted an environmental review in accordance with 10 CFR part 51, which implements the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The results of the NRC's environmental review can be found in the final EA (ADAMS Accession No. ML18183A225). Based on the results of the environmental assessment, the NRC has determined not to prepare an environmental impact statement for the Ludeman Satellite amendment and is issuing a finding of no significant impact.

In May 2009, the NRC staff issued NUREG–1910, ''Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities'' (herein referred to as the GEIS). In the GEIS, the NRC assessed the potential environmental impacts from construction, operation, aquifer restoration, and decommissioning of an in-situ leach uranium milling facility (also known as an ISR facility) located in four specific geographic regions of the western United States. Where applicable, this EA incorporates by reference relevant portions from the GEIS, and uses site-specific information from Uranium One's license application and independent sources to fulfill the requirements in 10 CFR 51.20(b)(8).

The final EA was prepared by the NRC and its contractor, the Center for Nuclear Waste Regulatory Analyses, in compliance with NEPA (as amended, and the NRC's regulations for implementing NEPA (10 CFR part 51).

In the final EA, the NRC staff assessed the potential environmental impacts from the construction, operation, aquifer restoration, and decommissioning of the proposed Ludeman Satellite. The NRC staff assessed the impacts of the proposed action on land use; historical and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology, minerals, and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management.

After weighing the impacts of the proposed license amendment and comparing to the no-action alternative, the NRC staff, in accordance with 10 CFR 51.91(d), sets forth its NEPA recommendation regarding the proposed action (granting the request for an NRC license amendment for the proposed Ludeman Satellite). Unless safety issues mandate otherwise, the NRC staff recommendation related to the environmental aspects of the proposed action is that an NRC license amendment be issued.

III. Finding of No Significant Impact

Based on its review of the proposed action, and in accordance with the requirements in 10 CFR part 51, the NRC staff has determined that license amendment for the Willow Creek ISR project license authorizing the construction and operation of the Ludeman Satellite would not significantly affect the quality of the human environment. In its license amendment request, Uranium One has proposed the addition of six wellfields at the Ludeman Satellite. No other significant changes in Uranium One's authorized operations for the Willow Creek ISR Project were requested. Approval of the proposed action would not result in an increased radiological risk to public health or the environment. The NRC staff has determined that pursuant to 10 CFR 51.31, preparation of an environmental impact statement (EIS) is not required for the proposed action and, pursuant to 10 CFR 51.32, a finding of no significant impact (FONSI) is appropriate.

Dated at Rockville, Maryland, this 9th day of August, 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–17458 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0218]

Information Collection: Physical Protection of Plants and Materials

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is titled, ''Physical Protection of Plants and Materials.''

DATES: Submit comments by September 13, 2018.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0002), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW Washington, D.C. 20503; email: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comment

A. Obtaining Information

Please refer to Docket ID NRC–2017–0218 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0218.
- *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.* The supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML158A157 and ML18158A159.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, part 73 tile 10 of the *Code of Federal Regulations* (10 CFR), ''Physical Protection of Plants and Materials.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on March 30, 2018, 83 FR 13801.

1. *The title of the information collection:* 10 CFR part 73, ''Physical Protection of Plants and Materials.''
2. *OMB approval number:* 3150–0002.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Once for the initial submittal of Cyber Security Plans, Physical Security Plans, Safeguards Contingency Plans, and Security Training and Qualification Plans and then on occasion when changes are made. Required reports are submitted and evaluated as events occur.
6. *Who will be required or asked to respond:* Nuclear power reactor licensees licensed under 10 CFR parts 50 or 52 who possess, use, import, export, transport, or deliver to a carrier for transport, special nuclear material; actively decommissioning reactor licensees; Category I, Category II and Category III fuel facilities; nonpower reactors (research and test reactors); and other entities who mark and handle Safeguards Information.
7. *The estimated number of annual responses:* 177,986 (40,819 reporting responses + 136,957 third party disclosure responses + 210 record keepers.)
8. *The estimated number of annual respondents:* 210 (60 power reactors; 10 decommissioning reactor facilities; 3 Category I fuel facilities; 4 Category II and III fuel facilities; 31 nonpower reactors; and 102 other entities who mark and handle Safeguards Information.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 541,406 hours (22,591 reporting + 475,852 recordkeeping + 42,963 third party disclosure).
10. *Abstract:* The NRC regulations in 10 CFR part 73 prescribe requirements to establish and maintain a physical protection system and security organization with capabilities for protection of: (1) Special nuclear material (SNM) at fixed sites, (2) SNM in transit, and (3) plants in which SNM is used. Part 73 of 10 CFR contains reporting and recordkeeping requirements which are necessary to help ensure that an adequate level of protection is provided for nuclear facilities and nuclear material, such as: Development and maintenance of security documents including a physical security plan, a training and qualification plan, a safeguards contingency plan, a cyber security plan, and security implementing procedures; notifications to the NRC regarding safeguards and cyber security events; notifications to state governors and tribes of shipments of irradiated reactor fuel; and requirements for conducting criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information. The objective is to ensure that activities involving special nuclear material are consistent with interests of common defense and security and that these activities do not constitute an unreasonable risk to public health and safety. The information in the reports and records submitted by licensees is used by the NRC staff to ensure that the health and safety of the public and the environment are protected, and licensee possession and use of special nuclear material is in compliance with license and regulatory requirements.

Dated at Rockville, Maryland, this 9th day of August, 2018.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–17459 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250–SLR and 50–251–SLR; ASLBP No. 18–957–01–SLR–BD01]

Establishment of Atomic Safety and Licensing Board; Florida Power & Light Company

Pursuant to delegation by the Commission, *see* 37 FR 28710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Florida Power & Light Company

(Turkey Point Nuclear Generating Units 3 and 4)

This proceeding involves an application seeking a twenty-year subsequent license renewal of Renewed Facility Operating License Nos. DPR–31 and DPR–41, which currently authorize Florida Power & Light Company to operate the Turkey Point Nuclear Generating Units 3 and 4 until, respectively, July 19, 2032 and April 10, 2033. In response to a notice published in the **Federal Register** announcing the opportunity to request a hearing, *see* 83 FR 19304 (May 2, 2018), the following hearing requests have been filed: (1) A request on behalf of Southern Alliance for Clean Energy; and (2) a request on behalf of, collectively, Friends of the Earth, Natural Resources Defense Council, and Miami Waterkeeper.

The Board is comprised of the following Administrative Judges:

E. Roy Hawkens, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001.

Dr. Michael F. Kennedy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001.

Dr. Sue H. Abreu, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Rockville, Maryland.

Dated: August 8, 2018.

Edward R. Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2018–17373 Filed 8–13–18; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Reinstatement of a Previously Approved Information Collection: General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44)

AGENCY: U.S. Office of Personnel Management.

ACTION: 30-day notice and request for comments.

SUMMARY: The National Background Investigation Bureau (NBIB), U.S. Office of Personnel Management (OPM) is notifying the general public and other Federal agencies that OPM proposes to request the Office of Management and Budget (OMB) to reinstate a previously approved information collection, General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44).

DATES: Comments are encouraged and will be accepted until September 13, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, D.C. 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting NBIB, U.S. Office of Personnel Management, 1900 E Street NW, Washington, D.C. 20415, Attention: Donna McLeod or by electronic mail at *FISFormsComments@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1), OPM is providing an additional 30 days for public comments. OPM previously solicited comments for this collection, with a 60-day public comment period, at 83 FR 29948 (January 24, 2018). No comments were received. This notice announces that OPM has submitted to OMB a request to reinstate a previously approved information collection, OMB number 3206–0165, General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44). The public has an additional 30-day opportunity to comment.

The INV 40, 41, 42, 43, and 44 are used to conduct the ''written inquiries'' portion of the investigation, to include investigations for suitability or fitness for Civil Service, nonappropriated fund, or contract employment pursuant to standards issued under Civil Service Rule V, E.O. 13488, as amended, E.O. 13764, and 5 CFR part 731; investigations for employment in a sensitive national security position or for eligibility for access to classified information pursuant to standards issued under E.O. 12968, as amended, E.O. 13764, and 5 CFR part 1400; and investigations for identity credentials for long-term physical and logical access to Federally-controlled facilities and information systems, pursuant to standards issued under E.O. 13764. The INV forms 40 and 44, in particular, facilitate OPM's access to criminal history record information under 5 U.S.C. 9101.

The content of the INV forms is also designed to meet notice requirements for personnel investigations specified by 5 CFR 736.102(c). These notice requirements apply to any ''investigation . . . to determine the suitability, eligibility, or qualifications of individuals for Federal employment, for work on Federal contracts, or for access to classified information or restricted areas.''

Analysis

Agency: NBIB, U.S. Office of Personnel Management.

Title: General Request for Investigative Information (INV 40), Investigative Request for Employment Data and Supervisor Information (INV 41), Investigative Request for Personal Information (INV 42), Investigative Request for Educational Registrar and Dean of Students Record Data (INV 43), and Investigative Request for Law Enforcement Data (INV 44).

OMB Number: 3206–0165.

Affected Public: None of the forms is used for any purpose other than a personnel background investigation. The completed forms are maintained by OPM subject to the protections of the Privacy Act of 1974, as amended.

Procedurally, the subject of a personnel background investigation discloses the identity of relevant sources, such as supervisors, coworkers, neighbors, friends, current or former spouses, instructors, relatives, or schools attended, on the standard form (SF) 85, Questionnaire for Non-Sensitive Positions; the SF 85P, Questionnaire for Public Trust Positions; or the SF 86, Questionnaire for National Security Positions. After OPM receives a completed SF 85, SF 85P, or SF 86, the INV forms are distributed to the provided source contacts through an automated mailing operation.

The INV 40 is used to collect records from a Federal or State record repository or a credit bureau. The INV 44 is used to collect law enforcement data from a criminal justice agency. The INV 41, 42, and 43 are sent to employment references, associates, and schools attended. The forms disclose that the source's name was provided by the subject to assist in completing a background investigation to help determine the subject's suitability for employment or security clearance, and request that the source complete the form with information to help in this determination. Generally the subject of the investigation will identify these employment references, associates, and schools on his or her SF 85, SF 85P, or SF 86 questionnaire. If information is omitted on the questionnaire, however, the information may be provided in a follow-up contact between the subject and an investigator.

Number of Respondents: 5,682,744 (58,071 (INV 40); 3,358,486 (INV 41); 56,090 (INV 42); 855,051 (INV 43); 1,355,046 (INV 44)).

Estimated Time per Respondent: 5 minutes.

Total Burden Hours: 473,562 (4,839 (INV 40); 279,874 (INV 41); 4,674 (INV 42); 71,254 (INV 43); 112,921 (INV 44))

U.S. Office of Personnel Management.

Jeff T.H. Pon,

Director.

[FR Doc. 2018–17431 Filed 8–13–18; 8:45 am]

BILLING CODE 6325–53–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83796; File No. SR–CboeBZX–2017–005]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of Twelve Monthly Series of the Cboe Vest S&P 500® Buffer Protect Strategy ETF Under the ETF Series Solutions Trust Under Rule 14.11(c)(3), Index Fund Shares

August 8, 2018.

I. Introduction

On November 21, 2017, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of twelve monthly series of the Cboe Vest S&P 500® Buffer Protect Strategy ETF of the ETF Series Solutions Trust (''Trust'') under BZX Rule 14.11(c)(3). The proposed rule change was published for comment in the **Federal Register** on December 11, 2017.[3]

On January 22, 2018, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[4] On March 9, 2018, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.[6] On April 13, 2018, the Exchange filed Amendment No. 1 to the proposed rule change.[7] On June 6, 2018, the Commission designated a longer period for Commission action on the proposed rule change.[8] On August 6, 2018, the Exchange filed Amendment No. 2 to the proposed rule change.[9] The Commission has received no comments on the proposed rule change. This order grants approval of the proposed rule change, as modified by Amendment No. 2.

II. Exchange's Description of the Proposal, as Modified by Amendment No. 2

The Exchange proposes to list and trade the Shares of twelve monthly series of the Cboe Vest S&P 500® Buffer Protect Strategy ETF (individually, ''Fund,'' and, collectively, ''Funds'') under BZX Rule 14.11(c)(3), which governs the listing and trading of Index Fund Shares. Each Fund will be an index-based exchange traded fund (''ETF''): (1) Cboe Vest S&P 500® Buffer

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82217 (December 5, 2017), 82 FR 58243.

[4] *See* Securities Exchange Act Release No. 82558, 83 FR 3820 (January 26, 2018).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Securities Exchange Act Release No. 82842, 83 FR 11273 (March 14, 2018).

[7] Amendment No. 1, which amended and replaced the proposed rule change in its entirety, is available at: *https://www.sec.gov/comments/sr-cboebzx-2017-005/cboebzx2017005-3458514-162203.pdf.*

[8] *See* Securities Exchange Act Release No. 83390, 83 FR 27355 (June 12, 2018).

[9] In Amendment No. 2, which amended and replaced the proposed rule change, as modified by Amendment No. 1, in its entirety, the Exchange: (a) Represented that the issuer will provide and maintain a publicly available web tool for each of the Funds (as defined herein) on its website that provides existing and prospective shareholders with important information to help inform investment decisions, including the start and end dates of the current outcome periods, the time remaining in the outcome periods, each Fund's current net asset value, each Fund's cap for the outcome period, the maximum investment gain available up to the cap for a shareholder purchasing Shares at the current net asset value, and information regarding each Fund's buffer; (b) represented that, based on certain potential limitations of the Investment Company Act of 1940 (''1940 Act'') associated with trading options on Cboe Exchange, Inc. (''Cboe Options'') and any other exchanges owned or controlled by Cboe Global Markets, Inc. (together with Cboe Options, collectively, ''Cboe Exchanges''), (i) the Funds will not be able to hold FLEX Options (as defined herein) or Standardized S&P 500 Index Options (as defined herein) until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds, and (ii) the Exchange will not list and trade the Shares of the Funds on the Exchange until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds; (c) conformed certain continued listing requirements to maintain consistency with BZX listing rules; (d) added representations relating to protections against market manipulation in the context of the underlying indexes and index values; (e) supplemented its description of the Comparable ETF Options (as defined herein); (f) provided a representation relating to the Exchange's ability to access trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine for surveillance purposes; and (g) made other non-substantive, technical, and clarifying corrections to the proposal. Because Amendment No. 2 adds certain limiting conditions to the commencement of listing and trading the Shares on the Exchange based on requirements of the 1940 Act, represents that the issuer will provide and maintain an additional web-based tool to aid investors with respect to the Funds, and otherwise does not materially alter the substance of the proposed rule change or raise unique or novel regulatory issues under the Act, Amendment No. 2 is not subject to notice and comment. Amendment No. 2 to the proposed rule change is available at: *https://www.sec.gov/comments/sr-cboebzx-2017-005/cboebzx2017005-4171830-172318.pdf.*

Protect Strategy (January) ETF; (2) Cboe Vest S&P 500® Buffer Protect Strategy (February) ETF; (3) Cboe Vest S&P 500® Buffer Protect Strategy (March) ETF; (4) Cboe Vest S&P 500® Buffer Protect Strategy (April) ETF; (5) Cboe Vest S&P 500® Buffer Protect Strategy (May) ETF; (6) Cboe Vest S&P 500® Buffer Protect Strategy (June) ETF; (7) Cboe Vest S&P 500® Buffer Protect Strategy (July) ETF; (8) Cboe Vest S&P 500® Buffer Protect Strategy (August) ETF; (9) Cboe Vest S&P 500® Buffer Protect Strategy (September) ETF; (10) Cboe Vest S&P 500® Buffer Protect Strategy (October) ETF; (11) Cboe Vest S&P 500® Buffer Protect Strategy (November) ETF; and (12) Cboe Vest S&P 500® Buffer Protect Strategy (December) ETF. Each Fund will be based on the Cboe S&P 500 Buffer Protect Index (Month) Series, where ''Month'' is the corresponding month associated with the roll date of the applicable Fund (individually, ''Index,'' and, collectively, ''Indexes''). The Shares will be offered by the Trust, which was established as a Delaware statutory trust on February 9, 2012. The Exchange represents that the Trust has filed a registration statement on behalf of the Funds on Form N–1A (''Registration Statement'') with the Commission.[10]

A. Description of the Funds and Underlying Indexes

The Funds' adviser, Cboe Vest Financial, LLC (''Adviser''), and Cboe Options (''Index Provider''), are not registered as broker-dealers, but are affiliated with a broker-dealer.[11] Each Fund's investment objective would be to track, before fees and expenses, the performance of its respective Index. The value of each Index would be calculated daily by Cboe Options utilizing an option valuation model. The Exchange submitted this proposed rule change because the Indexes for the Funds would not meet the listing requirements of Rule 14.11(c)(3), which requires, among other things, that all securities in the index or portfolio be U.S. Component Stocks[12] listed on the Exchange or another national securities exchange and be NMS Stocks as defined in Rule 600 of Regulation NMS under the Act. Specifically, the Indexes would consist of options on an index of U.S. Component Stocks. Because the Indexes would consist of options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS under the Act, the Exchange represents that the Indexes would not meet the criteria set forth in BZX Rule 14.11(c)(3). As a result, the Exchange submitted this proposal to list the Shares on the Exchange.

1. Cboe Vest S&P 500® Buffer Protect Index

Each Index is a rules-based options index that would consist exclusively of FLexible EXchange Options on the S&P 500 Index (''FLEX Options'') listed on Cboe Options.[13] The Indexes are designed to provide exposure to the large capitalization U.S. equity market with lower volatility and downside risks than traditional equity indices, except in environments of rapid appreciation in the U.S. equity market over the course of one year. On a specified day of the applicable month for each Index (''Roll Date''),[14] the applicable Index would implement a portfolio of put and call FLEX Options with expirations on the next Roll Date that, if held to such Roll Date, would seek to ''buffer protect'' against the first 10% decline in the value of the S&P 500 Index, while providing participation up to a maximum capped gain in the value of the S&P 500 Index (''Capped Level''). The Capped Level would be calculated as of each Roll Date based on the prices of the applicable FLEX Options, such that the value of the portfolio of FLEX Options that comprises each Index would be equivalent to the value of a portfolio comprised of the S&P 500 Index constituents. As of the 2017 Roll Date, the Capped Level for the January Index was 11%, meaning that the January Index is designed to provide participation up to a maximum 11% gain in the value of the S&P 500 Index from the 2017 Roll Date to the 2018 Roll Date, but would not provide any participation for gains in the S&P 500 Index in excess of 11%.

Each Index is designed to provide the following outcomes between Roll Dates:

- *If the S&P 500 Index declines more than 10%:* The Index declines 10% less than the S&P 500 Index (*e.g.,* if the S&P 500 Index returns −35%, the Index is designed to return −25%);
- *If the S&P 500 Index declines between 0% and 10%:* The Index provides a total return of zero (0%);
- *If the S&P 500 Index appreciates between 0% and the Capped Level:* The Index appreciates the same amount as the S&P 500 Index; and
- *If the S&P 500 Index appreciates more than the Capped Level:* The Index appreciates by the amount of the Capped Level.

Each Index would include a mix of purchased and written (sold) put and call FLEX Options structured to achieve the results described above. Such results would only be applicable for each full 12-month period from one Roll Date to the next Roll Date, and the Index may not return such results for shorter or longer periods. The value of each Index would be calculated daily by Cboe Options utilizing a rules-based options valuation model.

2. Holdings of the Funds

Under Normal Market Conditions,[15] each Fund would seek to track the total return performance, before fees and expenses, of its respective Index by investing all, or substantially all, of its assets in a combination of some or all

[10] *See* Registration Statement on Form N–1A for the Trust, dated October 24, 2017 (File Nos. 333–179562 and 811–22668).

[11] The Exchange represents that the Index Provider has implemented and will maintain a ''fire wall'' with respect to such broker-dealer and its personnel regarding access to information concerning the composition of, or changes to, the Indexes. In addition, Index Provider personnel who make decisions regarding the Index composition or methodology are subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the Indexes, pursuant to BZX Rule 14.11(c)(3)(B)(iii). According to the Exchange, the Adviser has also implemented and will maintain a ''fire wall'' with respect to such broker-dealer and its personnel regarding access to information concerning the composition of, or changes to, the portfolio, and Adviser personnel who make decisions regarding a Fund's portfolio are subject to procedures designed to prevent the use and dissemination of material, non-public information regarding a Fund's portfolio. In the event that (a) the Adviser or Index Provider becomes registered as a broker-dealer or newly affiliated with another broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of, or changes to, the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

[12] As defined in Rule 14.11(c)(1)(D), the term ''U.S. Component Stock'' shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act, or an American Depositary receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act.

[13] More information about the Indexes and methodology is available on the Index Provider's website at *www.cboe.com*.

[14] As described above, each of the twelve Indexes is designed to provide returns over a defined year long period and, thus, there would be an Index associated with each month. As such, the Roll Date for a specific Index would be dependent on the monthly series for which the Index is associated. For example, the Roll Date for the Cboe® S&P 500® Buffer Protect Index January Series would be in January and the Roll Date for the Cboe® S&P 500® Buffer Protect Index February Series would be in February, a pattern which would continue through the rest of the calendar year.

[15] The term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

of the following: The FLEX Options that make up each respective underlying Index; standardized U.S. exchange-listed options contracts on the S&P 500 Index (''Standardized S&P 500 Index Options'' and, together with FLEX Options, collectively, ''S&P 500 Index Options''); and U.S. exchange-listed options on one or more ETFs [16] that track the performance of the S&P 500 Index and have the same economic characteristics as the FLEX Options that make up each Index (''Comparable ETF Options'').[17] The Fund may also hold cash and cash equivalents.[18]

B. Conditions To Listing and Trading the Shares on the Exchange

According to the Exchange, the Trust is registered with the Commission as an open-end investment company. However, the Commission has not yet issued an order(s) granting exemptive relief to the Trust under the 1940 Act applicable to the activities of the Funds, and, as a result, the Exchange represents that the Shares of the Funds will not be listed and traded on the Exchange until such an order(s) is issued and any conditions contained therein are satisfied.[19]

Specifically, the Exchange represents that, because of certain potential limitations of the 1940 Act associated with trading options on the Cboe Exchanges, the Exchange will not list and trade the Shares on the Exchange until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds. This restriction does not prevent the Adviser or the Funds from engaging in other transactions or receiving other services from the Cboe Exchanges or for which the Cboe Exchanges may receive a benefit, such as pricing services, provided such transactions and/or the receipt of such services is consistent with applicable statutes, rules, regulations, and interpretive positions of the Commission and its staff. As a result, because FLEX Options are listed exclusively on Cboe Options, the Funds will not be able to hold FLEX Options until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds. Similarly, because Standardized S&P 500 Index Options are listed exclusively on Cboe Options, the Funds will not be able to hold Standardized S&P 500 Index Options until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds.[20]

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares, as modified by Amendment No. 2, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[21] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[22] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act [23] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities.

As noted above, the Commission has not yet issued an order granting exemptive relief to the Trust under the 1940 Act applicable to the activities of the Funds. Because of certain potential limitations of the 1940 Act associated with trading options on the Cboe Exchanges, the Exchange will not list and trade the Shares until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds. As a result, because FLEX Options are listed exclusively on Cboe Options, the Funds will not be able to hold FLEX Options until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds. Similarly, because Standardized S&P 500 Index Options are listed exclusively on Cboe Options, the Funds will not be able to hold Standardized S&P 500 Index Options until such time that appropriate exemptive and/or no-action relief is obtained from the Commission and/or its staff with respect to the Funds. In addition, the Exchange represents that, to the extent that any information in this proposal is or becomes inaccurate, the Exchange will submit a proposed rule change to reflect any new information before the Shares of the Funds will be listed on the Exchange.

Notwithstanding the conditions to commence listing and trading the Shares on the Exchange, as set forth above, the Commission notes that, according to the Exchange, except as it relates to the options portion of the Indexes described above, the Funds will meet and be subject to all other requirements of BZX Rule 14.11(c)(3) related to generic listing standards of the Indexes and other applicable requirements for series of Index Fund Shares on an initial and continued listing basis, including requirements related to the dissemination of key information such as the Index values,[24]

[16] For purposes of this proposal, the term ETF means Portfolio Depositary Receipts and Index Fund Shares as defined in Rule 14.11(b) and 14.11(c), respectively, and their equivalents on other national securities exchanges.

[17] The term ''Comparable ETF Options'' will at any time include only the five ETFs based on the S&P 500 Index with the greatest options consolidated average daily exchange trading volume for the previous quarter. The Adviser expects that, to the extent that the Funds use Comparable ETF Options, such options contracts will primarily consist of options on the SPDR S&P 500 ETF (ticker: SPY).

[18] For purposes of this filing, cash equivalents are short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[19] In addition, the Exchange represents that, to the extent that any information in this proposal is or becomes inaccurate, the Exchange will submit a proposed rule change to reflect any new information before the Shares of the Funds will be listed on the Exchange.

[20] The Commission notes that additional information regarding the Funds, the Trust, and the Shares, including information about the FLEX Options, investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, calculation of net asset value, distributions, and taxes, among other things, can be found in Amendment 2 to the proposed rule change and the Registration Statement, as applicable. *See* Amendment 2 and Registration Statement, *supra* notes 9 and 10 and accompanying text, respectively.

[21] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[24] The Exchange notes that BZX Rule 14.11(c)(3)(B)(ii) requires that the index value must be disseminated by one or more major market data vendors at least once every 15 seconds during regular market session; provided however, that if

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net asset value, and the intraday indicative values, rules governing the trading of equity securities, trading hours, trading halts, surveillance, suitability, and the information circular, as set forth in Exchange rules applicable to Index Fund Shares and the orders approving such rules.

In support of its proposal, the Exchange has made the following additional representations:

(1) The Exchange has in place a surveillance program for transactions in ETFs to ensure the availability of information necessary to detect and deter potential manipulation and other trading abuses. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of the Shares through the Exchange will be subject to the Exchange's surveillance procedures for derivative products, including Index Fund Shares. The Exchange represents that the Financial Industry Regulatory Authority (''FINRA'') conducts certain cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement, and the Exchange is responsible for FINRA's performance under this regulatory services agreement. The Exchange or FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-listed options contracts with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'') and may obtain trading information regarding trading in the Shares and exchange-listed options contracts from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-listed options contracts from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange represents that all of the options contracts held by the Funds will trade on markets that are a member of ISG or affiliated with a member of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange also represents that the Funds will not hold any non-exchange-listed options contracts. Additionally, the Exchange or FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income instruments reported to FINRA's Trade Reporting and Compliance Engine. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

(2) Quotation and last-sale information for exchange-listed options contracts cleared by The Options Clearing Corporation will be available via the Options Price Reporting Authority, and the intra-day, closing and settlement prices of exchange-listed options will be readily available from the options exchanges, automated quotation systems, published or other public sources, or online information services such as Bloomberg or Reuters. Price information on Treasury bills and other cash equivalents is available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services. On each business day, before commencement of trading in the Shares on the Exchange during Regular Trading Hours, the portfolio that will form the basis for each Fund's calculation of the net asset value at the end of the business day will be provided on the Advisor's website.

(3) The issuer will provide and maintain a publicly available web tool for each of the Funds on its website that provides existing and prospective shareholders with certain information that may help inform their investment decisions. For each Fund, the information provided will include the start and end dates of the current outcome period, the time remaining in the outcome period, current net asset value, the cap for the outcome period, and the maximum investment gain available up to the cap for a shareholder purchasing Shares at the current net asset value. For each of the Funds, the web tool also will provide information regarding the Fund's buffer. This information will include the remaining buffer available for a shareholder purchasing Shares at the current net asset value or the amount of losses that a shareholder purchasing Shares at the current net asset value would incur before benefitting from the protection of the buffer. The cover of each Fund's prospectus, as well as the disclosure contained in ''Principal Investment Strategies,'' will provide the specific web address for each Fund's web tool.

(4) BZX Rule 3.7(a) provides that a Member, before recommending a transaction in any security, must have reasonable grounds to believe that the recommendation is suitable for the customer based on any facts disclosed by the customer, after reasonable inquiry by the Member, as to the customer's other securities holdings and as to the customer's financial situation and needs. Interpretation and Policy .01 to Rule 3.7 provides that no Member shall recommend to a customer a transaction in any such product unless the Member has a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction and is financially able to bear the risks of the recommended position. Prior to the commencement of trading, the Exchange will inform its Members of the suitability requirements of Rule 3.7 in an Information Circular. Specifically, Members will be reminded in the Information Circular that, in recommending transactions in these securities, they must have a reasonable basis to believe that (a) the recommendation is suitable for a customer given reasonable inquiry concerning the customer's investment objectives, financial situation, needs, and any other information known by such member, and (b) the customer can evaluate the special characteristics, and is able to bear the financial risks, of an investment in the Shares.

(5) Each Fund's investments will be consistent with its investment objective and will not be used to enhance leverage (although certain derivatives and other investments may result in leverage).

(6) Each Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2x or −2x) of its respective Index, and each Fund's use of derivative instruments will be collateralized.

(7) The Trust is required to comply with Rule 10A–3 under the Act [25] for the initial and continued listing of the Shares of the Funds, and a minimum of 100,000 Shares for each Fund will be outstanding at the commencement of trading on the Exchange.

(8) All statements and representations made in this filing regarding (a) the description of the portfolios, reference assets, and indexes, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of index, reference asset, and intraday indicative

the index value does not change during some or all of the period when trading is occurring on the Exchange, then the last official calculated index value must remain available throughout the Exchange's trading hours. The value of the Indexes will not change during the period when trading is occurring on the Exchange and the last official calculated Index value will remain available throughout the Exchange's trading hours.

[25] *See* 17 CFR 240.10A–3.

values, or (d) the applicability of Exchange rules specified in this filing shall constitute continued listing requirements for listing the Shares on the Exchange. The issuer has represented to the Exchange that it will advise the Exchange of any failure by a Fund or Shares to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will surveil for compliance with the continued listing requirements. If a Fund or Shares is not in compliance with the applicable listing requirements, then, with respect to such Fund or Shares, the Exchange will commence delisting procedures under BZX Rule 14.12.

This approval order is based on all of the Exchange's representations and description of the Funds, including those set forth above and in Amendment No. 2 to the proposed rule change. Except as described herein, the Commission notes that the Shares must comply with all other applicable requirements of BZX Rule 14.11(c) to be listed and traded on the Exchange on an initial and continuing basis. The Commission further notes that the Shares of the Funds will not be listed and traded on the Exchange until any and all exemptive and/or no-action relief required under the 1940 Act has been obtained with respect to the Funds and the Shares and any conditions related thereto are satisfied.

For the foregoing reasons, the Commission finds that the proposed rule change, as modified by Amendment No. 2, is consistent with Section 6(b)(5) of the Act [26] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[27] that the proposed rule change (SR–CboeBZX–2017–005), as modified by Amendment No. 2, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

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[26] 15 U.S.C. 78f(b)(5).

[27] 15 U.S.C. 78s(b)(2).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83800; File No. SR–IEX–2018–16]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Revise the Threshold for Imposition of the Crumbling Quote Remove Fee

August 8, 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 26, 2018, the Investors Exchange LLC (''IEX'' 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] IEX is filing with the Commission a proposed rule change to revise the threshold for imposition of the Crumbling Quote Remove Fee (''CQRF'') to more narrowly tailor it to trading activity that is indicative of a deliberate trading strategy that may adversely affect execution quality on the Exchange. The text of the proposed rule change is available at the Exchange's website at *www.iextrading.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 the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule, pursuant to IEX Rule 15.110 (a) and (c), to revise the threshold for imposition of the CQRF to more narrowly tailor it to trading activity that is indicative of a deliberate trading strategy that may adversely affect execution quality on the Exchange.

The Exchange charges the CQRF to orders that remove resting liquidity when the crumbling quote indicator (''CQI'') is on if such executions constitute at least 5% of the Member's volume executed on IEX and at least 1 million shares, on a monthly basis, measured on a per market participant identifier (''MPID'') basis (the ''CQRF Threshold''). Orders that exceed the 5% and 1 million share thresholds are assessed a fee of $0.0030 per each incremental share executed at or above $1.00 that exceeds the CQRF Threshold.[6]

Pursuant to IEX Rule 11.190(g), in determining whether quote instability or a crumbling quote exists, the Exchange utilizes real time relative quoting activity of certain Protected Quotations [7] and a proprietary mathematical calculation (the ''quote instability calculation'') to assess the probability of an imminent change to the current Protected National Best Bid [8] to a lower price or the Protected National Best Offer [9] to a higher price for a particular security (''quote instability factor''). When the quoting activity meets predefined criteria and the quote instability factor calculated is greater than the Exchange's defined quote instability threshold, the System treats the quote as unstable and the CQI is on. During all other times, the quote is considered stable, and the CQI is off. The System independently assesses the stability of the Protected NBB and Protected NBO for each security. When the System determines that a quote,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF 240.19b–4.

[6] Executions below $1.00 are assessed a fee of 0.30% of TDV unless the Fee Code Combination results in a free execution. *See* Investors Exchange Fee Schedule, available on the Exchange public website.

[7] Pursuant to Rule 11.190(g), the Protected Quotations of the New York Stock Exchange, Nasdaq Stock Market, NYSE Arca, Nasdaq BX, Cboe BZX Exchange, Cboe BYX Exchange, Cboe EDGX Exchange, and Cboe EDGA Exchange.

[8] *See,* Rule 600(b)(42) under Regulation NMS.

[9] *See* supra note 4 [sic].

either the Protected NBB or the Protected NBO, is unstable, the determination remains in effect at that price level for two milliseconds, unless a new determination is made before the end of the two-millisecond period. A new determination may be made after at least 200 microseconds has elapsed since a preceding determination, or a price change on either side of the Protected NBBO occurs, whichever is first. If a new determination is made, the original determination is no longer in effect. A new determination can be at either the Protected NBB or the Protected NBO and at the same or different price level as the original determination.

The Exchange adopted the CQRF beginning in January 2018 in order to incentivize the entry of resting liquidity on IEX, including displayed liquidity. Specifically, and as described more fully in the rule filing adopting the CQRF (''CQRF rule filing''),[10] the Exchange identified that Members entering liquidity taking orders when the CQI was on appeared to be able to engage in a form of latency arbitrage by leveraging fast proprietary market data feeds and connectivity along with predictive strategies to chase short-term price momentum and successfully target resting orders at unstable prices. IEX believes that these types of trading strategies, with concentrated and aggressive tactics during moments of quote instability, are detrimental to the experience of other IEX participants, and create disparate burdens on resting orders, particularly those that are displayed and therefore ineligible to benefit from the CQI in the manner of Discretionary Peg orders [11] and primary peg orders [12] which do not exercise price discretion when the CQI is on.[13] The CQRF is a narrowly tailored approach, designed to disincentivize certain liquidity removing orders that can degrade the quality of the market and thereby incentivize the entry of liquidity providing orders that can enhance the quality of the market. The CQRF is only charged on incremental executed shares above the CQRF Threshold, which is designed to limit the fee to trading activity that is indicative of a deliberate trading strategy that may adversely affect execution quality on IEX and to not charge the fee to executions taking liquidity when the CQI is on that are likely to be incidental and not part of such a strategy.

As described in the CQRF rule filing, there are significant differences in short term markouts [14] for resting and taking orders between executions when the CQI is on and off, regardless of whether the NBB (NBO) moves lower (higher) within two milliseconds of the Exchange's determination of quote instability. Moreover, the breakdown of orders entered and shares removed when the CQI is on or off evidences that certain trading strategies appear to involve entering liquidity taking orders targeting resting orders at prices that are likely to move adversely from the perspective of the resting order.

The CQRF has been incrementally successful in achieving its stated goal of reducing the incidence of liquidity taking orders when the CQI is on. The volume removed when the CQI is on has declined from 8.1% in December 2017 to 7.3% in April 2018 (see Chart 1 below). Further, 5 of 12 Members that surpassed the CQRF Threshold in December 2017 appear to have reduced such activity by at least 20% and one fell below the CQRF Threshold in April 2018.

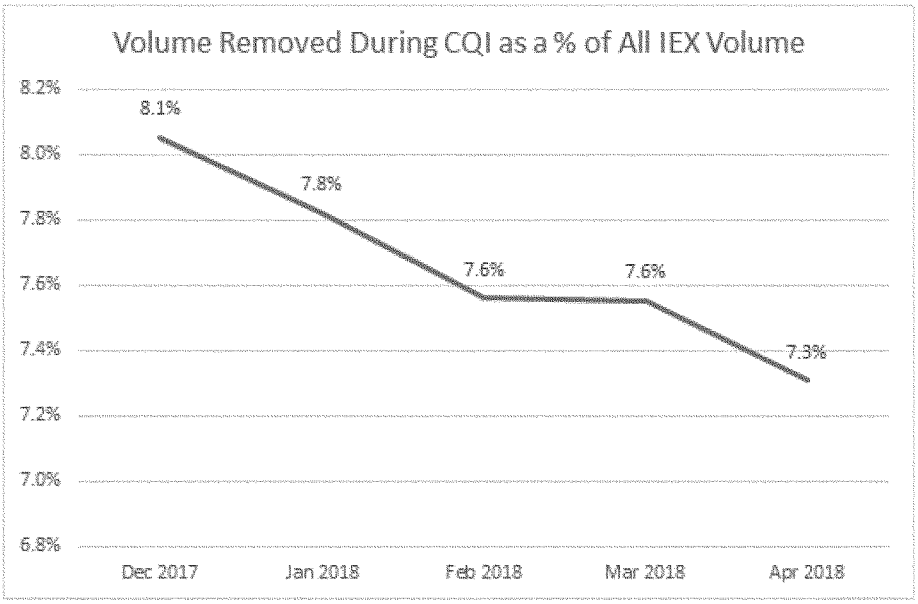

Chart 1

[10] *See* Securities Exchange Act Release No. 81484 (August 25, 2017), 82 FR 41446 (August 31, 2017) (SR–IEX–2017–27).

[11] *See* Rule 11.190(b)(10).

[12] *See* Rule 11.190(b)(8).

[13] By not permitting resting Discretionary Peg orders and primary peg orders to exercise price discretion during periods of quote instability, the Exchange is designed to protect such orders from unfavorable executions when its probabilistic model identifies that the market appears to be moving adversely to them. This limitation is designed to appropriately balance the protective benefits to Discretionary Peg and primary peg orders with the interest of avoiding potentially undue trading restrictions.

[14] The term markouts refers to changes in the midpoint of the NBBO measured from the perspective of either the liquidity providing resting order or liquidity removing taking order over a specified period of time following the time of execution.

Moreover, although material differences in key metrics related to orders entered when the CQI is on and off have persisted following implementation of the CQRF, the Exchange has identified some incremental improvement which appears to be generally attributable to the CQRF comparing data from June 2017 to April 2018. Most significantly, the percentage of marketable orders received when the CQI is on has declined from 30.4% to 18.2%, notwithstanding that the amount of time the CQI is on has increased from 1.24 seconds (0.005% of time during Regular Market Hours [15]) to 1.84 seconds (0.008% of time during Regular Market Hours). Thus, based on the foregoing analysis, IEX believes that the CQRF has been incrementally effective in reducing order flow that targets resting liquidity at prices that are about to become stale. With respect to incentivizing liquidity adding order flow, the Exchange notes that IEX's overall volume has increased since implementation of the CQRF, and volume traded when the CQI is off has increased as a proportion of overall volume.[16] With the confluence of factors that influence order flow decisions, it is inherently difficult to attribute such increases to the CQRF, particularly in the short period of time it has been in effect. Nonetheless, IEX believes that the CQRF has achieved some of its intended objectives already.

Beginning in May 2018, the Exchange incrementally optimized and enhanced the effectiveness of the quote instability calculation in determining whether a crumbling quote exists.[17] As a result, the CQI is on more often. During May and June 2018, the CQI ''fired'' 28.6% more often per symbol per trading day (on average), compared to April 2018. However, shares removed when the CQI is on increased only 19.6%. The Exchange believes that this subsequent increase in CQI activity is attributable to the increased coverage of the signal as a result of the upgrade in May 2018, not a reduction in the effectiveness of the CQRF.

However, notwithstanding the incremental effectiveness of the CQRF, IEX believes that it is possible for a Member to circumvent (in whole or in part) the CQRF Threshold by routing orders to IEX that are part of a deliberate trading strategy that targets resting liquidity during periods of quote instability through another Member (using such Members' MPID) not engaged in such a strategy at all or to the same extent. Such a routing approach would thus consolidate the executions that take liquidity when the CQI is on with executions of the other executing Member thereby reducing the executions that exceed the CQRF Threshold and the resultant fee for the entering Member. This is because the consolidated pool of executions would contain a significant number of orders executed on behalf of the executing Member and its other customers that did not take liquidity when the CQI is on. Therefore, fewer of the entering Member's executions that take liquidity when the CQI is on would be above the 5% threshold when measured on an MPID basis.

In order to address the potential for ongoing and increased circumvention of the CQRF, IEX proposes to revise the threshold for imposition of the CQRF to more narrowly tailor it to trading activity that is indicative of a deliberate trading strategy that may adversely affect execution quality on the Exchange. As proposed, the CQRF Threshold would be revised in two respects. First, the 5% monthly CQRF Threshold would be measured and applied on a per logical port (also referred to as a ''session'') per MPID basis.[18] Second, the 1 million share aspect of the CQRF Threshold would be eliminated. Therefore, on a monthly basis, the Exchange would determine whether the 5% threshold was reached within each session used by each Member's MPID. Incremental shares that removed liquidity while the CQI was on above the 5% threshold would be charged the CQRF.

IEX believes that Members generally use separate sessions within the same MPID to segment the order flow of particular customers and proprietary strategies. Thus, the Exchange believes that applying the CQRF Threshold on a per session per MPID basis, rather than solely per MPID, will result in a more fair application of the fee because it will more narrowly apply the fee to trading strategies that are indicative of a deliberate strategy that targets resting orders at prices that are likely to move adversely from the perspective of the resting order and that thus may adversely affect execution quality on IEX. In addition, the change is designed to reduce potential circumvention of the CQRF by Members that consolidate orders under one MPID that are part of such deliberate trading strategies with orders that are not.

Eliminating the 1 million share aspect of the CQRF Threshold is designed to avoid potential circumvention whereby a Member could divide its orders that are part of such a deliberate trading strategy across multiple sessions in order to circumvent the CQRF by keeping each session below the 1 million share threshold. IEX does not charge for sessions, and thus Members can readily add additional sessions upon request.

Based on an analysis of data from June 2018, the Exchange estimates that 35 Members would be subject to monthly increases in the CQRF, totaling approximately $94,000 and ranging from $0.10 to $36,351. Fourteen Members' increased fees would be more than $1,000 and two would be over $10,000. Twelve Members' fees would increase by less than $100.

The Exchange will continue to provide the Fee Code Indicator of ''Q'' on execution reports to Members removing liquidity at or within the NBBO when the CQI is on.

IEX will implement the proposed fee change beginning on August 1, 2018.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [19] of the Act in general, and furthers the objectives of Sections 6(b)(4) [20] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. Additionally, IEX believes that the proposed revisions to the CQRF is consistent with the investor protection objectives of Section 6(b)(5) [21] of the Act in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest.

The CQRF is designed to enhance the Exchange's market quality by encouraging Members and other market participants to add more liquidity to the Exchange order book, which benefits all investors by deepening the Exchange's liquidity pool. Specifically, the Exchange believes that trading strategies

[15] *See* IEX Rule 1.160(gg).

[16] Comparing December 2017 to April 2018, IEX average daily volume increased from 148 million shares to 155 million shares and IEX volume when the CQI is off increased from 91.9% to 92.7%.

[17] *See* Securities Exchange Act Release No. 83048 (April 13, 2018), 83 FR 17467 (April 19, 2018) (SR–IEX–2018–07).

[18] Pursuant to the IEX Equities Port Request Form (available on IEX's website at *https://iextrading.com/docs/IEX%20Connectivity%20Agreements%20and%20Forms.pdf*), Members may request one or more connectivity ports to connect to IEX, through which the Member may send, or permit a Sponsored Participant of such Member, to send orders and order related messages to IEX.

[19] 15 U.S.C. 78f.

[20] 15 U.S.C. 78f(b)(4).

[21] 15 U.S.C. 78f(b)(5).

that target resting liquidity during periods of quote instability seek to trade at prices that are about to become stale, and thus discourage other market participants from entering liquidity providing orders on the Exchange. The Exchange believes that the CQRF has been incrementally successful in achieving this goal. However, as described in the Purpose section, the Exchange has identified certain actual and potential ways in which the CQRF can be circumvented, which warrant revisions to the CQRF Threshold.

The proposed change to the applicable threshold for imposition of the CQRF is a limited and narrowly drawn approach that is designed to increase the fairness of the fee, and also mitigate and reduce the potential for circumvention, as described in the Purpose section. Specifically, the Exchange believes that applying the CQRF Threshold on a per session per MPID basis, rather than solely on a per MPID basis, will result in a more fair and narrowly tailored application of the fee because it will better focus the fee on deliberate trading strategies that target resting orders at prices that are about to become stale, thus reducing the potential that incidental trading activity not part of such a strategy towards the end of a month after the MPID has crossed the threshold could be subject to the CQRF. In addition, the change is designed to reduce potential circumvention of the CQRF by Members that intentionally consolidate orders that are part of such a deliberate trading strategy with orders that are not, within a single MPID. The Exchange understands that Members typically use separate sessions for distinct trading strategies and customers, and that therefore deliberate trading strategies that target resting orders at prices that are about to become stale would generally not be on the same session as trading strategies that do not target resting orders in such a manner. Thus, assessing the threshold on a per session per MPID basis, rather than per MPID, is designed to be even more fair and narrowly tailored since the approach will focus the fee on transactions that are part of a deliberate strategy that targets resting orders at prices that are about to become stale, and reduce the potential that the fee will be applied to incidental transactions not part of such a strategy.

As described in the Purpose section, elimination of the 1 million share threshold is designed to avoid potential circumvention whereby a Member could divide its orders that are part of deliberative trading strategies designed to target resting orders at prices that are about to become stale across multiple sessions in order to circumvent the CQRF by keeping each session below 1 million shares subject to the CQRF. In addition, the Exchange believes that the 5% threshold is sufficiently robust such that it is unlikely that a Member will accidentally breach the threshold and incur the CQRF. The CQI is on only 10.4 seconds per symbol per trading day on a volume weighted average basis, constituting 0.04% of the day per symbol. Consequently, the probability that a Member (or customer of a Member) not engaged in a deliberate strategy to target resting orders at prices about to become stale, would by chance trade when the CQI is on is about 1 in 2,340. The Exchange believes that it is highly unlikely for a Member to encounter a 1 in 2,340 chance event more than 5% of the time, and thus the 5% threshold is sufficiently robust to limit application of the CQRF to intentional activity. As described above, IEX believes that the per session per MPID threshold will more narrowly apply the fee to deliberate trading strategies that target resting orders at prices that are about to become stale, and is thus an even fairer and more narrowly tailored application of the fee as a result thereof. Accordingly, the Exchange believes that the proposed changes will incrementally enhance the effectiveness of the CQRF to incentivize resting liquidity on the Exchange by more effectively disincentivizing order flow that targets resting liquidity at prices that are about to become stale.

Other exchanges offer incentives in the form of rebates and/or reduced fees that are designed to encourage market participants to send increased levels of order flow to such exchanges. These typically take the form of lower fees and higher rebates for meeting specified volume tiers.[22] These fee and rebate structures are typically justified by other exchanges on the basis that increased liquidity benefits all investors by deepening the exchange's liquidity pool, which provides price discovery and investor protection benefits.[23] The Exchange also notes that other exchanges charge different fees (or provide rebates) to the buyer and seller to an execution, which are generally referred to as either maker-taker or taker-maker pricing schemes. Typically, the exchange offering such pricing is seeking to incentivize orders that provide or remove liquidity, based on which type of orders receive a rebate. While these pricing schemes discriminate against the Member party to the trade that is charged a fee (in favor of the Member party to the trade that is paid a rebate) the Commission has not found these fees to be unfairly discriminatory in violation of the Act.[24]

Similarly, the proposed changes to the CQRF Threshold seek to promote increased liquidity and price discovery on the Exchange by providing a fee designed to incentivize liquidity providing orders that can improve the quality of the market. The Exchange believes that, to the extent the fee, as revised, is successful in further reducing targeted and aggressive liquidity removing orders, it would contribute to investors' confidence in the fairness of transactions and the market generally, thereby benefiting multiple classes of market participants and supporting the public interest and investor protection purposes of the Act.

The Exchange believes that maker-taker and taker-maker pricing schemes in general create needless complexity in market structure in various ways and result in conflicts of interest between brokers and their customers. Accordingly, IEX has made a decision not to adopt rebate provisions in favor of a more transparent pricing structure that generally charges equal fees (or in some cases, no fee) for a particular trade to both the ''maker'' and ''taker'' of liquidity. Given this decision, IEX must use other means to incentivize orders to rest on its order book. IEX's execution quality is one important incentive, but this incentive can be undercut by trading strategies that target resting orders during periods of quote instability. Accordingly, IEX believes that the CQRF, as it is proposed to be amended, is one reasonable way to compete with other exchanges for order flow, consistent with its exchange model and without relying on rebates.

The Exchange believes that the revised threshold for application of the CQRF is reasonable and equitable because it is designed to reduce potential circumvention of the CQRF and enhance both the fairness and narrowly tailored application of the fee. As amended, the CQRF would continue not to apply when executions taking liquidity while the CQI is on are likely to be incidental and not part of a deliberate trading strategy that targets resting liquidity during periods of quote instability. The Exchange does not believe that the proposed CQRF Threshold changes would result in an

[22] *See, e.g.,* New York Stock Exchange Price List 2018, available at *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf. See also,* Nasdaq Rule 7018.

[23] *See, e.g.,* Securities Exchange Act Release No. 80034 (February 14, 2017), 82 FR 11275 (February 21, 2017) (File No. SR–BatsEDGX–2017–09).

[24] *See* note 15 [sic] *supra.*

increase in such incidental orders being charged the CQRF. To the contrary, the Exchange believes the proposed CQRF Threshold changes would result in more orders that are part of such deliberative strategies being charged, and the per session per MPID charge would result in fewer incidental orders being charged. Consequently, the Exchange believes that the proposed fee structure is not unfairly discriminatory because it is narrowly tailored to charge a fee only on trading activity that is indicative of a trading strategy that may adversely affect execution quality on IEX and is reasonably related to the purpose of encouraging liquidity providing orders on IEX without the use of rebates.

In particular, the Exchange believes that the data from April, May, and June 2018 supports the position that the proposed CQRF Threshold is narrowly tailored to charge the CQRF based on objective criteria indicating that execution of the orders in question reasonably appear to be part of a deliberate trading strategy that targets resting liquidity during periods of quote instability. A pro forma analysis of June 2018 data evidences that had the CQRF been calculated under the proposed threshold per session per MPID, the order entry profile of sessions that would have been subject to the fee is materially different than sessions that would not have been subject to the fee with respect to orders entered when the CQI was on. For the 286 sessions above the CQRF Threshold, 19.0% of orders were received while the CQI was on (21.9% for the 135 sessions that would have been subject to more than $500 in fees), while for sessions below the proposed CQRF Threshold this number was only 4.7%. The Exchange believes that this difference evidences that sessions above the proposed CQRF Threshold were more likely to be engaging in a deliberate strategy to target resting orders at soon to be stale prices.[25]

The Exchange also believes that it is appropriate, and consistent with the Act, to not charge the CQRF to Members for executed shares on sessions that do not exceed the CQRF Threshold during the month in question, as measured on a per session per MPID basis. This is designed to address limited inadvertent liquidity removal by such Members when the CQI is on since such order flow during such times appears to be incidental.

The Exchange also believes that it is consistent with the Act and an equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities to measure whether the CQRF Threshold is reached on per session per MPID basis. As discussed above, the CQRF Threshold is designed to narrowly focus on executions that appear to be part of a deliberate trading strategy that targets resting liquidity during periods of quote instability. The Exchange believes that Members that utilize multiple sessions generally use different sessions for different trading strategies or customers. Therefore, the Exchange believes that measuring by session-MPID combination is a more precise manner of assessing whether a Member's trading strategy (or that of a customer) is part of a deliberate trading strategy that targets resting liquidity during periods of quote instability. Further, applying the CQRF Threshold on a per session per MPID basis is designed to address potential circumvention of the CQRF as described in the Purpose section.

Accordingly, the Exchange submits that the proposed CQRF Threshold is narrowly tailored to address particular trading strategies (rather than particular classes of Members) that may operate to disincentivize the entry of resting orders by other market participants. Specifically, and as discussed above, to the extent the proposed CQRF is successful in further reducing such trading strategies on IEX, it may result in market quality improvements which could benefit multiple classes of market participants.

The Exchange further believes that charging the CQRF only to the liquidity remover is equitable and not unfairly discriminatory because it is designed to incentivize order flow that enhances the quality of trading on the Exchange and disincentivize trading that does not. As discussed above, IEX believes that there are precedents for exchanges to charge different fees based upon meeting (or not meeting) particular criteria, as well as maker-taker and taker-maker pricing structures whereby the liquidity adder and remover to a trade are subject to differing fees and rebates, to incentivize certain types of trading activity. Fees and rebates based on maker-taker and taker-maker pricing as well as on volume-based tiers have been widely adopted by equities exchanges. And in some cases, maker-taker or taker-maker pricing has been combined with volume-based tiers that result in differential fees and rebates for different exchange members. These fee structures have been permitted by the Commission. For example, Cboe EDGA Exchange, Inc. (''EDGA'') previously offered a rebate contingent upon adding specified amounts of liquidity to EDGA.[26] Notwithstanding that certain classes of exchange members (*e.g.,* exchange routing brokers) do not typically add liquidity on competing exchanges, this fee structure was justified by EDGA on the basis that, generally, it encourages growth in liquidity on EDGA and applies equally to all members.[27] Similarly, while the proposed IEX fee structure will result in the CQRF being imposed only on Members using specific trading strategies, it is also designed to attract liquidity to IEX and applies equally to all Members.

The Exchange also notes that there is precedent to charge a different fee (or pay a different rebate) based on the execution price of an order. The Cboe BZX Exchange, Inc. (''BZX'') pays a rebate of $0.0015 to a non-displayed order that adds liquidity, while if such an order receives price improvement it does not receive a rebate or pay a fee.[28]

Thus, maker-taker, taker-maker, and volume tier based fee structures (separately or in combination) have been adopted by other exchanges on the basis that they may discriminate in favor of certain types of members but not in an unfairly discriminatory manner in violation of the Act. As with such fee structures, the Exchange believes that the proposed fee change is equitable and not unfairly discriminatory because it is narrowly tailored to disincentive to all Members from deploying trading strategies designed to chase short-term price momentum during periods when the CQI is on and thus potentially adversely impact liquidity providing orders. IEX believes that, to the extent it is successful in this regard, the proposed fee structure may lead to increased liquidity providing orders on IEX which could benefit multiple classes of market participants through increased trading opportunities and execution quality.

Further, the Exchange notes that the Nasdaq Stock Market (''Nasdaq'') charges excess order fees (ranging from $0.005 to $0.01 per excess weighted order) on certain members that have a relatively high ratio of orders entered

[25] Thirty-seven Members would have been charged the CQRF, with 35 subject to increased fees. Those 37 Members traded through 565 separate sessions, 286 of which would have been subject to the CQRF. For Members that would be subject to increased fees, the number of sessions that would be charged ranges from 1 to 42.

[26] *See* Securities Exchange Act Release No. 80976 (June 20, 2017), 82 FR 28920 (June 26, 2017) (SR–BatsEDGA–2017–18).

[27] *See, e.g.,* Securities Exchange Act Release No. 69066 (March 7, 2013), 78 FR 16023 (March 13, 2013) (SR–EDGA–2013–10).

[28] *See* Cboe BZX Exchange Fee Schedule, available at: *http://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.*

away from the NBBO to orders executed in whole or in part, subject to a carve-outs for specified lower volume members and certain registered market makers.[29] In its rule filing adopting the fee Nasdaq justified it as designed to achieve improvements in the quality of displayed liquidity to the benefit of all market participants.[30] Nasdaq also asserted that the fee is reasonable because market participants may readily avoid the fee by making improvements in their order entry practices, noting that ''[i]deally, the fee will be applied to no one because market participants will adjust their behavior to avoid the fee.'' [31]

Similarly, the IEX CQRF, as revised, is designed to incentivize the entry of liquidity providing orders that can enhance the quality of the market and disincentivize certain liquidity removing orders that can degrade the quality of the market. Participants can manage their fees by making adjustments to their order entry practices, to decrease their entry of orders designed to target resting liquidity during periods of quote instability. And, as with the Nasdaq excess order fees, ideally, the fee will be applied to no one, because participants will adjust their trading activity to account for the pricing change. Thus, the Exchange believes that the fee of $0.0030 per share executed at or above $1.00 is reasonably related to the trading activity IEX is seeking to disincentivize.

IEX also believes that it is appropriate, reasonable and consistent with the Act, to charge a fee of $0.0030 per share executed at or above $1.00 (or 0.3% of the total dollar value of the transaction for securities priced below $1.00) that exceed the CQRF Threshold described herein because it is within the transaction fee range charged by other exchanges [32] and consistent with Rule 610(c) of Regulation NMS.[33] Although the amount of the CQRF may not be adequate to fully disincentivize Members from deploying trading strategies designed to chase short-term price momentum during periods when the CQI is on, the Exchange is hopeful that it will further reduce such activity based on the economic disincentives that the CQRF will provide.

Moreover, IEX believes that the CQRF will help to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, because the CQRF is designed to reduce the entry of liquidity removing orders that can degrade the quality of the market and incentivize liquidity providing orders that can improve the quality of the market, thereby promoting greater order interaction and inhibiting potentially abusive trading practices.

Finally, and as discussed in the Burden on Competition section, the Exchange notes that it operates in a highly competitive market in which Members and market participants can readily direct order flow to competing venues if they deem fee levels to be excessive.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX 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. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed pricing structure may increase competition and hopefully draw additional volume to the Exchange by enhancing the quality of executions across all participants when the CQI is on. As discussed in the Statutory Basis section, the proposed fee structure is a narrowly tailored approach, designed to enhance the Exchange's market quality by incentivizing trading activity that the Exchange believes enhances the quality of its market. The Exchange believes that the proposed revisions to the CQRF Threshold would contribute to, rather than burden, competition, as the CQRF is intended to incentivize Members and market participants to send increased liquidity providing order flow to the Exchange, which may increase IEX's liquidity and market quality, thereby enhancing the Exchange's ability to compete with other exchanges. Further, with the proposed revisions to the CQRF Threshold, the CQRF would continue to be in line with fees charged by other exchanges.

The Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited, and does not believe that such fees would burden competition of Members or competing venues in a manner that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while the CQRF, as revised, would only be assessed in some circumstances, those circumstances are not based on the type of Member entering the liquidity removing order but on the percent of liquidity removing volume that the Member executes when the CQI is on. Further, the proposed revisions to the CQRF Threshold are intended to encourage market participants to bring increased volume to the Exchange, which benefits all market participants.[34]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [35] of the Act.

At any time within 60 days of the filing of the proposed rule change, the

[29] *See* Nasdaq Rule 7018(a)(3)(m) [sic].

[30] *See,* Securities Exchange Act Release No. 66951 (May 9, 2012), 77 FR 28647 (May 15, 2012) (File No. SR–NASDAQ–2012–055).

[31] *Id.*

[32] *See* note 14 [sic] *supra.*

[33] 17 CFR 242.610(c)(1).

[34] *See e.g.,* IEX's white paper that utilized publicly available quote and trade data to compare market quality across U.S. stock exchanges, which empirically found, *inter alia,* that on average IEX has the lowest effective spread, and the greatest opportunity for price improvement amongst all exchanges. A Comparison of Execution Quality across U.S. Stock Exchanges, Elaine Wah, Stan Feldman, Francis Chung, Allison Bishop, and Daniel Aisen, Investors Exchange (2017). Effective spread is commonly defined by market structure academics and market participants as twice the absolute difference between the trade price and prevailing NBBO midpoint at the time of a trade, and is generally meant to measure the cost paid when an incoming order executes against a resting order, and unlike quoted spread captures other features of a market center, such as hidden and midpoint liquidity as well as market depth. Price improvement is in reference to the situation where an aggressive order is filled at a price strictly better than the inside quote (*i.e.,* in the case of an aggressive buy (sell) order, receiving a fill at a price lower (higher) than the NBO (NBB)). *See also,* Hu, Edwin, Intentional Access Delays, Market Quality, and Price Discovery: Evidence from IEX Becoming an Exchange (February 7, 2018). Available at SSRN: *https://ssrn.com/abstract=3195001.*

[35] 15 U.S.C. 78s(b)(3)(A)(ii).

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [36] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2018–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2018–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–IEX–2018–16 and should be submitted on or before September 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[37]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–17396 Filed 8–13–18; 8:45 am]

BILLING CODE 8011–01–P

[36] 15 U.S.C. 78s(b)(2)(B).

[37] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83798; File No. SR–CboeBYX–2018–013]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 1.5 Definitions and Exchange Rule 14.1 Unlisted Trading Privileges

August 8, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 25, 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)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 1.5(c), which defines the After Hours Trading Session, to allow trading until 8:00 p.m. ET.

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 offers four distinct trading sessions where the Exchange accepts orders for potential execution: (1) The ''Early Trading Session,'' which begins at 7:00 a.m. Eastern Time (''ET'') and continues until 8:00 a.m. ET,[5] (2) the ''Pre-Opening Session,'' which begins at 8:00 a.m. ET and continues until 9:30 a.m. ET,[6] (3) ''Regular Trading Hours,'' which begin at 9:30 a.m. ET and continue until 4:00 p.m. ET,[7] and (4) the ''After Hours Trading Session,'' which begins at 4:00 p.m. ET and continues until 5:00 p.m. ET.[8] Users [9] may designate when their orders are eligible for execution by selecting their desired Time-in-Force instruction.[10]

The purpose of the proposed rule change is to amend Rule 1.5(c), which defines the After Hours Trading Session, to allow trading until 8:00 p.m. ET, consistent with the hours currently available on the Exchange's affiliates Cboe EDGX Exchange, Inc. (''EDGX'') and Cboe EDGA Exchange, Inc. (''EDGA'').[11] The After Hours Trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] ''Early Trading Session'' means the time between 7:00 a.m. and 8:00 a.m. ET. *See* Rule 1.5(ee).

[6] ''Pre-Opening Session'' means the time between 8:00 a.m. and 9:30 a.m. ET. *See* Rule 1.5(r).

[7] ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. ET. *See* Rule 1.5(w).

[8] ''After Hours Trading Session'' means the time between 4:00 p.m. and 5:00 p.m. ET. *See* Rule 1.5(c).

[9] ''User'' means any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3. *See* Rule 1.5(cc).

[10] *See* Rule 11.9(b).

[11] *See* EDGX and EDGA Rule 1.5(r), which both define ''Post-Closing Session'' as the time between 4:00 p.m. and 8:00 p.m. ET.

Session will continue to begin after Regular Trading Hours end at 4:00 p.m. ET but instead of ending at 5:00 p.m. ET, as is the case today, will now be available until 8:00 p.m. ET similar to the EGDX and EDGA markets. Rule 11.1(a), which was inadvertently modified in November 2014 to include an 8:00 p.m. ET cutoff for entering orders as part of a proposed rule change to accept orders beginning at 6:00 a.m. ET,[12] will not be amended by this proposed rule change as the Exchange will now accept orders until 8:00 p.m. ET as described in that rule.

The Exchange's affiliate Cboe BZX Exchange, Inc. (''BZX'') is also filing to extend its trading hours to 8:00 p.m. ET.[13] The proposed rule change will therefore promote a consistent experience for market participants across all four equities markets operated by Cboe Global Markets, Inc. Orders entered for participation in the After Hours Trading Session will continue to be handled in the same manner as today, with the exception that the Exchange will now accept those orders until 8:00 p.m. ET, thereby providing additional time for market participants to source liquidity outside of Regular Trading Hours. The Exchange therefore believes that amending Rule 1.5(c) to extend the Exchange's trading hours will be benefit investors that will now be able to trade on the Exchange later in the day.

In addition, Rule 14.1(c)(2), which provides that the Exchange must distribute an information circular for UTP Derivative Securities that, among other things, includes information about the risks of trading during the Exchange's various trading sessions also specifically references the time that the Exchange is open for trading (*i.e.,* until 5:00 p.m. ET today). The Exchange therefore proposes to update references to the Exchange's hours of operation in that rule in connection with the changes to extend the After Hours Trading Session to 8:00 p.m. ET.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[14] in general, and furthers the objectives of Section 6(b)(5) of the Act[15] 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. Specifically, the Exchange believes that the proposed rule change will benefit market participants by providing additional opportunities to transact on the Exchange later in the trading day.

As explained in the purpose section of this proposed rule change, the Exchange currently accepts orders in its After Hours Trading Session until 5:00 p.m. ET, while two of its affiliated exchanges (*i.e.,* EDGX and EDGA) currently have a Post-Closing Session that ends at 8:00 p.m. ET.[16] The Exchange believes that market participants would benefit from a longer After Hours Trading Session on the Exchange too, and is therefore proposing to extend its After Hours Trading Session to the same time as its affiliated markets. The Exchange believes that this change will provide additional opportunities for firms to source liquidity for their orders on the Exchange. Furthermore, the proposed rule change will ensure that Members have a similar experience when trading on all four Cboe equities markets. 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.

In addition, the Exchange believes that the proposed change to Rule 14.1 is consistent with the Act because that change updates the rule to reference the proposed 8:00 p.m. ET time that the Exchange would accept orders in the After Hours Trading Session. No further substantive changes to that rule is proposed. The Exchange believes that it is appropriate to update all rules that specifically reference the Exchange's hours of operation so that the rules properly reflect the changes to the After Hours Trading Session being implemented in this proposed rule change.

(B) Self-Regulatory Organization's Statement on Burden on Competition

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. The Exchange does not believe that the proposed rule change would have any significant impact on inter-market competition as the Exchange's affiliated exchanges already allow after hours trading until 8:00 p.m. ET, and other markets are free to provide similar trading hours. Furthermore, the Exchange does not believe that the proposed rule change would have any significant impact on intra-market competition as all Members would be able to enter orders later in the day due to the extended After Hours Trading Session.

(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) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

[12] *See* Securities Exchange Act Release No. 73744 (December 4, 2014), 79 FR 73369 (December 10, 2014) (SR–BYX–2014–036).

[13] *See* SR–CboeBZX–2018–052 (pending publication).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* supra note 11.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 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.

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–2018–013 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–CboeBYX–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 such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2018–013 and should be submitted on or before September 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83797; File No. SR–MIAX–2018–22]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

August 8, 2018.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2018, Miami International Securities Exchange LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to (i) increase certain fees in certain Tiers for options transactions by MIAX Options Market Makers[3] in standard option classes in the Penny Pilot Program[4] (''Penny classes'') and in standard option classes which are not in the Penny Pilot Program (''non-Penny classes'') executed in the complex order[5] book; (ii) increase the per contract surcharge assessed for transactions by all market participants, except for Priority Customers,[6] which remove liquidity against a resting Priority Customer complex order on the strategy book for options in Penny classes and for options in non-Penny classes (''Complex Taker Surcharge'') and to broaden the application of the Complex Taker Surcharge to other types of transactions (described below) and consequently to rename it as the ''Complex Surcharge;'' (iii) increase the per contract credit assessable to Agency Orders (defined below) in a cPRIME Auction (''cPRIME Agency Order Credit'') by Members[7] in Tier 4 of the Priority Customer Rebate Program (''PCRP'')[8] and establish a limit as to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Market Makers'' refers to Lead Market Makers (''LMMs''), Primary Lead Market Makers (''PLMMs''), and Registered Market Makers (''RMMs'') collectively. *See* Exchange Rule 100. A Directed Order Lead Market Maker (''DLMM'') and Directed Primary Lead Market Maker (''DPLMM'') is a party to a transaction being allocated to the LMM or PLMM and is the result of an order that has been directed to the LMM or PLMM. *See* Fee Schedule note 2.

[4] *See* Securities Exchange Act Release No. 83515 (June 25, 2018), 83 FR 30786 (June 29, 2018) (SR–MIAX–2018–12).

[5] A ''complex order'' is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. A complex order can also be a ''stock-option'' order, which is an order to buy or sell a stated number of units of an underlying security coupled with the purchase or sale of options contract(s) on the opposite side of the market, subject to certain contingencies set forth in the proposed rules governing complex orders. For a complete definition of a ''complex order,'' *see* Exchange Rule 518(a)(5). *See also* Securities Exchange Act Release No. 78620 (August 18, 2016), 81 FR 58770 (August 25, 2016) (SR–MIAX–2016–26).

[6] ''Priority Customer'' means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). A ''Priority Customer Order'' means an order for the account of a Priority Customer. *See* Exchange Rule 100.

[7] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[8] Under the PCRP, MIAX Options credits each Member the per contract amount resulting from each Priority Customer order transmitted by that Member which is executed electronically on the Exchange in all multiply-listed option classes

Continued

how many contracts that the cPRIME Agency Order Credit shall apply; (iv) increase the per contract fee for Contra-side Orders (defined below) in non-Penny classes in a cPRIME Auction assessable to all market participants, except Priority Customers; (v) establish an enhanced cPRIME Break-up Credit (defined below) for options in Penny classes and non-Penny classes assessable to all market participants who experience a greater than sixty percent (60%) break-up of their order in a cPRIME Auction; and (vi) remove the discounted cPRIME Response Fee (defined below) for Members or its Affiliates that qualify for Priority Customer Rebate Program (defined below) volume tiers 3 or higher, for standard complex order options in Penny classes and non-Penny classes.

Market Maker Complex Transaction Fees

Section 1(a)(i) of the Fee Schedule sets forth the Exchange's Market Maker Sliding Scale for Market Maker Transaction Fees (the ''Sliding Scale''). The Sliding Scale assesses a per contract transaction fee on a Market Maker for the execution of simple orders and quotes (collectively, ''simple orders'') and complex orders and quotes (collectively, ''complex orders''). The percentage threshold by tier is based on the Market Maker's percentage of total national market maker volume in all options classes that trade on the Exchange during a particular calendar month, or total aggregated volume (''TAV''), and the Exchange aggregates the volume executed by Market Makers in both simple orders and complex orders for purposes of determining the applicable tier and corresponding per contract transaction fee amount.[9] The Sliding Scale applies to all MIAX Options Market Makers for transactions in all products (except for mini-options, for which there are separate product fees), with fees for standard options in both Penny classes and non-Penny classes.

Additionally, the Exchange assesses one per contract fee for complex orders in each tier for Penny classes, and one per contract fee for complex orders in non-Penny classes, with a surcharge for removing liquidity in a specific scenario, as described below. For simple orders, the Sliding Scale assesses a per contract transaction fee, which is based upon whether the Market Maker is a ''Maker'' or a ''Taker.''[10] Members that place resting liquidity, *i.e.,* quotes or orders on the MIAX Options System,[11] are assessed the ''maker'' fee (each a ''Maker'') and Members that execute against (remove) resting liquidity are assessed a higher ''taker'' fee (each a ''Taker''). As an incentive for Market Makers to provide liquidity on the Exchange, the Exchange's Maker fees are lower than the Taker fees.

Further, the Exchange provides certain discounted Market Maker transaction fees for Members and their qualified Affiliates[12] that achieve certain volume thresholds through the submission of Priority Customer orders under the Exchange's PCRP, which is set forth on two tables: one setting forth the transaction fees applicable to Members and their Affiliates that are in PCRP Volume Tier 3 or higher; and the other setting forth the transaction fees applicable to Members and their Affiliates that are not in PCRP Volume Tier 3 or higher. The Sliding Scale also includes Maker and Taker fees in both tables in each Tier for simple orders in Penny classes and non-Penny classes where the fees are discounted/differentiated between the tables.

The Exchange proposes to make the following changes for both Members and their Affiliates in PCRP Volume Tier 3 or higher and Members and their Affiliates not in PCRP Volume Tier 3 or higher: (i) Increase the fees in certain Sliding Scale Tiers for options transactions in Penny classes executed in the complex order book; and (ii) increase the fees in all Sliding Scale Tiers for options transactions in non-Penny classes executed in the complex order book. Specifically, the Exchange proposes to increase the fees for complex orders in options in Penny classes in Tier 2 from $0.19 to $0.24, in Tier 3 from $0.12 to $0.21, in Tier 4 from $0.07 to $0.20, and in Tier 5 from $0.05 to $0.19. The Exchange also proposes to increase the fees for complex orders in options in non-Penny classes in Tier 1 from $0.29 to $0.32, in Tier 2 from $0.23 to $0.29, in Tier 3 from $0.16 to $0.25, in Tier 4 from $0.11 to $0.24, and in Tier 5 from $0.09 to $0.23.

Complex Surcharge

The Exchange does not currently distinguish between a Maker and a Taker for complex order executions as it does in the traditional construct for simple orders and instead assesses the per contract transaction fee for all executions and a potential surcharge of $0.10 per executed contract for executions in complex orders. The current surcharge is assessed to a Market Maker and all other market participants except Priority Customers, when they remove liquidity by trading against a Priority Customer order that is resting on the Strategy Book.[13] This surcharge is currently referred to as the

(excluding, in simple or complex as applicable, QCC and cQCC Orders, mini-options, Priority Customer-to-Priority Customer Orders, C2C and cC2C Orders, PRIME and cPRIME AOC Responses, PRIME and cPRIME Contra-side Orders, PRIME and cPRIME Orders for which both the Agency and Contra-side Order are Priority Customers, and executions related to contracts that are routed to one or more exchanges in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Exchange Rule 1400), provided the Member meets certain percentage thresholds in a month as described in the Priority Customer Rebate Program table. *See* Fee Schedule, Section 1)a)iii.

[9] The calculation of the volume thresholds does not include QCC and cQCC Orders, PRIME and cPRIME AOC Responses, and unrelated MIAX Market Maker quotes or unrelated MIAX Market Maker orders that are received during the Response Time Interval and executed against the PRIME Order (''PRIME Participating Quotes or Orders'') and unrelated MIAX Market Maker complex quotes or unrelated MIAX Market Maker complex orders that are received during the Response Time Interval and executed against a cPRIME Order (''cPRIME Participating Quote or Order'') (herein ''Excluded Contracts''). *See* Fee Schedule, page 2.

[10] *See* Securities Exchange Act Release Nos. 78519 (August 9, 2016), 81 FR 54162 (August 15, 2016)(SR–MIAX–2016–21); 79157 (October 26, 2016), 81 FR 75885 (November 1, 2016 (SR–MIAX–2016–38).

[11] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[12] For purposes of the MIAX Options Fee Schedule, the term ''Affiliate'' means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, (''Affiliate''), or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An ''Appointed Market Maker'' is a MIAX Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an ''Appointed EEM'' is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Market Maker) that has been appointed by a MIAX Market Maker, pursuant to the following process. A MIAX Market Maker appoints an EEM and an EEM appoints a MIAX Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to *membership@miaxoptions.com* no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties.

[13] The ''Strategy Book'' is the Exchange's electronic book of complex orders and complex quotes. *See* Exchange Rule 518(a)(17).

''Complex Taker Surcharge''. This surcharge is similar in structure to Cboe Exchange, Inc. (''Cboe'') and NYSE American LLC (''NYSE American'') surcharges of the same type.[14]

First, the Exchange proposes to increase the Complex Taker Surcharge on MIAX Market Makers in the Sliding Scale for both Members and their Affiliates in PCRP Volume Tier 3 or higher, and for Members and their Affiliates not in PCRP Volume Tier 3 or higher, in Section 1)a)i) of the Fee Schedule, from $0.10 to $0.12 in all Tiers. The Exchange also proposes to increase the Complex Taker Surcharge on other market participants (except for Priority Customers), including Public Customers [15] that are not Priority Customers, non-MIAX Market Makers,[16] non-Member Broker-Dealers,[17] and Firms [18] (collectively, the ''Other Market Participants'') in Section 1)a)ii) of the Fee Schedule, from $0.10 to $0.12.

Second, the Exchange proposes to broaden the application of the Complex Taker Surcharge so that it will now apply to a Market Maker and Other Market Participants (other than Priority Customers) when trading against a Priority Customer (i) on the Strategy Book; or (ii) as a Response or unrelated quote or order in a complex order auction other than a cPRIME Auction.

Exchange Rule 518(d) describes the process for determining if a complex order is eligible to begin a Complex Order Auction and to participate in a Complex Order Auction that is in progress, and provides that upon entry into the System or upon evaluation of a complex order resting at the top of the Strategy Book, complex auction-eligible orders may be subject to an automated request for responses (''RFR'').[19] Members may submit Responses to the RFR, which can be either a complex Auction or Cancel (''AOC'') order or a complex AOC eQuote.

Exchange Rule 518(b)(7) defines a cPRIME Order as a type of complex order that is submitted for participation in a cPRIME Auction and trading of cPRIME Orders is governed by Rule 515A, Interpretations and Policies .12.[20] cPRIME Orders are processed and executed in the Exchange's PRIME mechanism, the same mechanism that the Exchange uses to process and execute simple PRIME orders, pursuant to Exchange Rule 515A.[21] PRIME is a process by which a Member may electronically submit for execution an order it represents as agent (an ''Agency Order'') against principal interest and/or solicited interest. The Member that submits the Agency Order (''Initiating Member'') agrees to guarantee the execution of the Agency Order by submitting a contra-side order representing principal interest or solicited interest (''Contra-Side Order''). When the Exchange receives a properly designated Agency Order for Auction processing, an RFR detailing the option, side, size and initiating price is broadcasted to MIAX Options participants up to an optional designated limit price. Members may submit responses to the RFR, which can be either an AOC order or an AOC eQuote. A cPRIME Auction is the price-improvement mechanism of the Exchange's System pursuant to which an Initiating Member electronically submits a complex Agency Order into a cPRIME Auction. The Initiating Member, in submitting an Agency Order, must be willing to either (i) cross the Agency Order at a single price against principal or solicited interest, or (ii) automatically match against principal or solicited interest, the price and size of a RFR that is broadcast to MIAX Options participants up to an optional designated limit price. Such responses are defined as cPRIME AOC Responses or cPRIME eQuotes.

Specifically, the Exchange proposes to broaden the application of the Complex Taker Surcharge so that it will apply to an Electronic Exchange Member (''EEM''),[22] for trading against a Priority Customer Complex Order for Penny and Non-Penny Classes, when trading against a Priority Customer: (i) On the Strategy Book; or (ii) as a Response or unrelated order in a complex order auction other than a cPRIME Auction. Consequently, the Exchange proposes to change the name of the surcharge from ''Complex Taker Surcharge'' to ''Complex Surcharge'' since the surcharge will apply to more complex transactions than just those transactions which remove liquidity from the Strategy Book. The Exchange notes that both Cboe and NYSE American apply their respective surcharges in a more expansive manner than the Exchange's current application of its surcharge, and similar to how the Exchange is proposing to expand its surcharge. However, Cboe caps its fees at $0.50 per contract in its complex order auction mechanisms. And NYSE American does not assess its surcharge in its paired complex auction mechanism. As proposed, the Exchange will apply its surcharge in its single-sided complex auction mechanism (COA), but it will not apply the surcharge in its paired complex auction mechanism (cPRIME). Accordingly, as proposed to be expanded, the Exchange's surcharge will be more in line with Cboe's and NYSE American's surcharges, but it will be no more expansive than either such exchange.[23]

Additionally, the Exchange proposes to remove the Discounted cPRIME Response Fee of $0.46 per contract for Members or its Affiliates that qualify for Priority Customer Rebate Program volume tiers 3 or higher and submit a cPRIME AOC Response that is received during the Response Time Interval and executed against the cPRIME Order, or a cPRIME Participating Quote or Order that is received during the Response Time Interval and executed against the cPRIME Order for standard complex order options in Penny classes; and

[14] *See* Cboe Fees Schedule, p. 1, and footnote 35 (charging a Complex Surcharge of $0.12 per contract per side for noncustomer complex order executions that remove liquidity from the COB and auction responses in the Complex Order Auction (''COA'') and the Automated Improvement Mechanism (''AIM'') in all classes except Sector Indexes and Underlying Symbol List A. The surcharge will not be assessed, however, on noncustomer complex order executions originating from a Floor Broker PAR, electronic executions against single leg markets, or for stock-option order executions. Auction responses in COA and AIM for noncustomer complex orders in Penny classes will be subject to a cap of $0.50 per contract, which includes the applicable transaction fee, Complex Surcharge and Marketing Fee (if applicable); *see also* NYSE American Fee Schedule, p. 8, footnote 6 (charging $0.12 per contract to any Electronic Non-Customer Complex Order that executes against a Customer Complex Order, regardless of whether the execution occurs in a Complex Order Auction (''COA''). The surcharge does not apply to executions in CUBE Auctions. NYSE American reduces this per contract surcharge to $0.10 for ATP Holders that achieve at least 0.20% of TCADV of Electronic Non-Customer Complex Orders in a month).

[15] The term ''Public Customer'' means a person that is not a broker or dealer in securities. *See* Exchange Rule 100.

[16] A ''non-MIAX Market Maker'' is a market maker registered as such on another options exchange. *See* Fee Schedule, Section 1)a)ii.

[17] A ''non-Member Broker-Dealer'' is a broker-dealer that is not a member of the OCC, and that is not registered as a Member at MIAX or another options exchange. *See* Fee Schedule, Section 1)a)ii.

[18] A ''Firm'' fee is assessed on a MIAX Electronic Exchange Member ''EEM'' that enters an order that is executed for an account identified by the EEM for clearing in the Options Clearing Corporation (''OCC'') ''Firm'' range. *See* Fee Schedule, Section 1)a)ii.

[19] *See* Securities Exchange Act Release No. 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016) (SR–MIAX–2016–26).

[20] *See* Securities Exchange Act Release No. 81131 (July 12, 2017), 82 FR 32900 (July 18, 2017)(SR–MIAX–2017–19). (Order Granting Approval of a Proposed Rule Change to Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism (''PRIME'') and PRIME Solicitation Mechanism; and 518, Complex Orders).

[21] *Id.*

[22] The term ''Electronic Exchange Member'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act.

[23] *See supra* note 14.

remove the Discounted cPRIME Response Fee of $0.95 per contract in the same tiers, for standard complex order options in non-Penny classes. By removing these discounts, the Exchange will charge such Members and their Affiliates the standard cPRIME rates in the cPRIME tier that otherwise apply to such transactions. The Exchange notes that this is a business decision to discontinue offering the discount, and as a result, it will align its fees more closely to those of NYSE American.[24]

cPRIME Agency Order Fees

In the PCRP, the Exchange assesses an Agency Order Credit for cPRIME Agency Orders. The Exchange currently credits each Member $0.10 per contract per leg for each Priority Customer complex order submitted into the cPRIME Auction as a cPRIME Agency Order in each Tier. However, no credit is paid if the cPRIME Agency Order executes against a Contra-Side Order which is also a Priority Customer. The Exchange proposes to increase the Agency Order Credit for cPRIME Agency Orders submitted by Members who are in PCRP Volume Tier 4 from $0.10 to $0.22. The purpose of such increase in Tier 4 is to encourage market participants to submit more Priority Customer cPRIME Agency Orders and therefore increase Priority Customer order flow. The Exchange additionally proposes to limit the cPRIME Agency Order Credit to be payable to the first 1,000 contracts per leg for each cPRIME Agency Order. Such limit will be applicable to all Tiers of the PCRP.

cPRIME Contra-Side Order Fees

The Exchange assesses a per contract fee to all market participants except Priority Customers for Contra-Side Orders in cPRIME Auctions. Currently, the cPRIME Contra-Side Order Fee is $0.05 for options in Penny classes and non-Penny classes. The Exchange proposes to increase the fee assessed to all market participants except Priority Customers for cPRIME Contra-Side Orders for options in non-Penny classes from $0.05 to $0.07. To implement this change on the Fee Schedule, the Exchange is proposing to bifurcate the fee for Penny classes and non-Penny classes by adding a new column to the table under Section 1)a)vi) of the Fee Schedule for the cPRIME Contra-Side Order fees assessable for orders in non-Penny classes setting forth the increased fee of $0.07 for all market participants except Priority Customers. The purpose of increasing such fee for options in non-Penny classes is to more closely align the Exchange's fees for cPRIME Contra-Side Orders with similar fees of other exchanges.[25]

cPRIME Break-Up Credit

The Exchange applies a break-up credit to an EEM that submitted a cPRIME Order for agency contracts that are submitted to the cPRIME Auction that trade with a cPRIME AOC Response or a cPRIME Participating Quote or Order that trades with the cPRIME Order (''cPRIME Break-up Credit''). Currently, the per contract cPRIME Break-up Credit payable to all market participants for options in Penny classes is $0.25 and for options in non-Penny classes is $0.60. The current cPRIME Break-up Credit does not take into account the degree to which the cPRIME Order was broken up.

The Exchange now proposes to take into account the degree to which the cPRIME Order was broken up, through paying a higher credit amount if the cPRIME Order experienced a greater degree of break-up. In particular, the Exchange proposes to pay an enhanced cPRIME Break-up Credit to all market participants who experience a greater than sixty percent (60%) break-up of their cPRIME Order in a cPRIME Auction, instead of the regular cPRIME Break-up Credit specified in the Fee Schedule. If the market participant experiences a greater than sixty percent (60%) break-up of their cPRIME Order in a cPRIME Auction, then it shall be credited $0.28, an additional $0.03 per contract, for options in Penny classes, and $0.72, an additional $0.12 per contract, for options in non-Penny classes. For example, if the original cPRIME Agency Order in a Penny class was for 100 contracts and the Member received only 30 contracts of the original cPRIME Order as a result of the break-up, and the other 70 contracts traded with a cPRIME AOC response or a cPRIME Participating Quote or Order (which equals 70%), then they would be credited $0.28 as a cPRIME Break-up Credit. As another example, if the original cPRIME Agency Order in a Penny class was for 100 contracts and the Member received 40 contracts of the original cPRIME Order as a result of the break-up and the other 60 contracts traded with a cPRIME AOC response or a cPRIME Participating Quote or Order (which equals 60%), then they would only be credited $0.25 as a cPRIME Break-up Credit. The decision to offer an enhanced cPRIME Break-up Credit is based on an analysis of current revenue and volume levels and is intended to encourage market participants to continue participating in cPRIME Auctions. The Exchange believes that by offering Members this enhanced cPRIME Break-up Credit, it will be able to further incentivize Members to send cPRIME orders to the Exchange, and enable it to better compete with NYSE American. Although it is a business decision to bifurcate the Exchange's enhanced cPRIME Break-up Credit based on the degree to which the cPRIME Order is broken up, the Exchange notes that its credit still remains lower than those of NYSE American, which the Exchange believes will serve to enhance competition. There are several approaches used by Exchanges to attract certain types of order flow, and many approaches often rely on the existence of certain conditions and thresholds being met.[26] This proposed approach of offering an enhanced credit based on the degree of break-up of a cPRIME Order is another variation of one such type of condition.

The proposed rule changes are scheduled to become operative August 1, 2018.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule is consistent with Section 6(b) of the Act[27] in general, and furthers the objectives of Section 6(b)(4) of the Act,[28] in that it is an equitable allocation of reasonable fees and other charges among Exchange members and issuers and other persons using its facilities, and 6(b)(5) of the Act,[29] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities,

[24] *See* NYSE American Fee Schedule, p. 17, Complex CUBE Auction (charging a RFR Response Fee Non-Customer in Penny Pilot issues of $0.50 and an RFR Response Fee Non-Customer in Non-Penny Pilot issues of $1.05).

[25] *See* Securities Exchange Act Release No. 83532 (June 28, 2018), 83 FR 31205 (July 3, 2018) (SR–NYSEAMER–2018–32) (Notice of Filing and Immediate Effectiveness of Proposed Change to Modify the NYSE American Options Fee Schedule).

[26] *See for example* NYSE American Fee Schedule, p. 18, Initiating Participant Credit. (NYSE American offers a ''break-up'' credit to Initiating Participants for each contract in a Complex Contra Order paired with a Complex CUBE Order that does not trade with the Complex CUBE Order because it is replaced at auction. Depending on the Tier for which the ATP holder qualifies, it may receive anywhere from a $0.20 to a $0.35 credit in Penny Pilot issues and anywhere from $0.50 to $0.75 in non-Penny Pilot issues, with those who qualify for ACE Tier 5, and execute more than 1% TCADV in monthly Initiating Complex CUBE Orders being eligible to receive an alternative enhance Initiating Participant Credit of $0.45 per contract for Penny Pilot issues and $0.90 per contract for non-Penny Pilot issues.

[27] 15 U.S.C. 78f(b).

[28] 15 U.S.C. 78f(b)(4).

[29] 15 U.S.C. 78f(b)(1) and (b)(5).

to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed fee increases for the various Sliding Scale tiers in Penny and non-Penny classes for complex orders is equitable and not unfairly discriminatory because all MIAX Options Market Makers are subject to the same fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange initially set its complex order fees at the various volume levels based upon business determinations and an analysis of current complex order fees and volume levels at other exchanges. When the Exchange initially adopted complex order fees, it set its complex order fees lower than other exchanges in order to encourage its Market Makers to reach for higher volume levels in order to achieve greater discounts. For competitive and business reasons, the Exchange believes that it is now appropriate to increase complex order fees to be more in line with competing exchanges. The Exchange notes that the increased complex order fees are comparable to those assessed by other exchanges.[30]

Furthermore, the proposed increases to the fees for complex orders in Penny and non-Penny classes in the specified tiers promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in facilitating transactions in securities, and protects investors and the public interest, because even with the increases, the Exchange's proposed fees for Market Makers complex orders still remain competitive with certain other options exchanges offering comparable pricing models, and should enable the Exchange to continue to attract order flow and grow market share. The Exchange believes that the amount of such fees, as proposed to be increased, will continue to encourage MIAX Options Market Makers to send complex orders to the Exchange. To the extent that order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange, including sending more orders which will have the potential to be assessed lower fees and higher rebates than certain other competing options exchanges. The resulting increased volume and liquidity will benefit all Exchange participants by providing more trading opportunities and tighter spreads.

The Exchange's proposal to increase the Complex Taker Surcharge and broaden its application and rename it as the ''Complex Surcharge'' is consistent with Section 6(b)(4) of the Act[31] because it applies equally to all market participants (both MIAX Market Makers and Other Market Participants, except Priority Customers) that would be charged such Complex Surcharge. Assessing the Complex Surcharge to MIAX Market Makers and Other Market Participants (except Priority Customers), in a broader application, similar to that of other exchanges, is reasonable and not unfairly discriminatory because it will provide MIAX Options Market Makers and Other Market Participants with equal surcharges when trading against a Priority Customer. As stated above, the Complex Surcharge is similar to surcharges assessed on Cboe and NYSE American.[32] The Exchange notes that, although the increase of the Complex Surcharge represents a slight fee increase, the Exchange believes that this increase is fair and equitable because it is in line with the amount of surcharges assessed on other options exchanges, when trading against Priority Customer Complex Orders, including trading in a complex order book, complex order auctions, and complex order price improvement mechanisms.[33]

The Exchange's proposal to broaden the application of the Complex Taker Surcharge and to rename it as the ''Complex Surcharge'' is also consistent with Section 6(b)(5) of the Act[34] because it perfects the mechanisms of a free and open market and a national market system and protect investors and the public interest by aligning the broader application of the Complex Surcharge and the definition of Complex Surcharge to that of other options exchanges,[35] which will help to create consistency and uniformity in the marketplace. The proposed Complex Surcharge increase is similar to the surcharge increase effected by Cboe and NYSE American.[36] The Exchange believes for these reasons that the Complex Surcharge and the broadened application of it, is equitable, reasonable and not unfairly discriminatory, and thus consistent with the Act.

The Exchange's proposal to remove the Discounted cPRIME Response Fee of $0.46 per contract for Members or its Affiliates that qualify for Priority Customer Rebate Program volume tiers 3 or higher and submit a cPRIME AOC Response that is received during the Response Time Interval and executed against the cPRIME Order, or a cPRIME Participating Quote or Order that is received during the Response Time Interval and executed against the cPRIME Order for standard complex order options in Penny classes; and remove the Discounted cPRIME Response Fee of $0.95 per contract in the same tiers, for standard complex order options in non-Penny classes, is consistent with Section 6(b)(4) of the Act[37] because it applies equally to all market participants and although by removing this discount, the Exchange notes this would increase the cPRIME Response Fee for some market participants, it represents a slight increase, and the Exchange believes that this increase is fair and equitable because it is in line with the amount of surcharges assessed on other options exchanges.[38] Further, the proposal is also consistent with Section 6(b)(5) of the Act[39] because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because it will align the Exchange's rule to that of other options exchanges, which will help to create consistency and uniformity in the marketplace. In addition, the removal of the discounted for the cPRIME Response Fee would align the Exchange's fees closer to those of another options exchange.[40]

The Exchange's proposal to increase the cPRIME Agency Order Credit assessable to cPRIME Agency Orders by Members in Tier 4 of the PCRP is consistent with Section 6(b)(4) of the Act[41] because it applies equally to all participants in that tier. The Exchange believes that the proposed PCRP rebate increase in Tier 4 for Priority Customer orders submitted into cPRIME Auctions is fair, equitable, and not unreasonably discriminatory. The PCRP is reasonably designed because it will incentivize providers of Priority Customer order flow to send that Priority Customer order flow to the Exchange in order to obtain the highest volume threshold and receive a credit in a manner that enables the Exchange to improve its overall competitiveness and strengthen its

[30] *See supra* notes 14, 24, 25 and 26.

[31] 15 U.S.C. 78f(b)(4).

[32] *See supra* note 14.

[33] *See* Cboe Fees Schedule, footnote 35; *see also* NYSE American Fee Schedule, p. 11; *see* Securities Exchange Act Release No. 83532 (June 28, 2018), 83 FR 31206 (July 3, 2018) (SR–NYSEAMER–2018–32).

[34] 15 U.S.C. 78f(b)(1) and (b)(5).

[35] *See supra* note 14.

[36] *Id.*

[37] 15 U.S.C. 78f(b)(4).

[38] *See supra* note 26.

[39] 15 U.S.C. 78f(b)(1) and (b)(5).

[40] *See supra* note 26.

[41] 15 U.S.C. 78f(b)(4).

market quality for all market participants.

In addition, the proposal is also consistent with Section 6(b)(5) of the Act [42] because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because, while only Priority Customer order flow qualifies for the rebate program under the PCRP and specifically only order flow by Members in Tier 4 of the PCRP will receive the greater rebate, an increase in Priority Customer order flow will bring greater volume and liquidity, which benefit all market participants by providing more trading opportunities and tighter spreads. To the extent Priority Customer order flow is increased by the proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and providing narrower and larger-sized quotations in the effort to trade with such Priority Customer order flow.

The Exchange's proposal to establish a limit as to how many contracts the cPRIME Agency Order Credit shall apply to is consistent with Section 6(b)(4) of the Act [43] because it applies equally to all market participants who submit cPRIME Agency Orders. Further, the proposal is also consistent with Section 6(b)(5) of the Act [44] because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because it will align the Exchange's rule to that of other options exchanges, which will help to create consistency and uniformity in the marketplace. It is also not novel since other exchanges similarly limit a similar rebate to the first 1,000 contracts.[45]

The Exchange's proposal to increase the cPRIME Contra-Side Orders fees assessable to all market participants except for Priority Customers in non-Penny classes is consistent with Section 6(b)(4) of the Act [46] because the Exchange believes that it is reasonable to assess lower transaction and credit rates to options in Penny classes than non-Penny classes. The Exchange believes that options which trade at these wider spreads merit offering greater inducement for market participants.

The Exchange believes that is equitable and not unfairly discriminatory that Priority Customers be charged lower fees in cPRIME Auctions than other market participants. The exchanges, in general, have historically aimed to improve markets for investors and develop various features within their market structure for customer benefit. The Exchange assesses Priority Customers lower or no transactions fees because Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Moreover, the Exchange believes that assessing all other market participants that are not Priority Customers a higher transaction fee than Priority Customers for cPRIME Order transactions is reasonable, equitable, and not unfairly discriminatory because these types of market participants are more sophisticated and have higher levels of order flow activity and system usage. This level of trading activity draws on a greater amount of system resources than that of Priority Customers, and thus, generates greater ongoing operational costs. Further, the Exchange believes that charging all market participants that are not Priority Customers the same fee for all cPRIME transactions is not unfairly discriminatory as the fees will apply to all these market participants equally.

In addition, the proposal is also consistent with Section 6(b)(5) of the Act [47] because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because, within the cPRIME Auction, the fee difference between Penny and non-Penny classes provides greater opportunity for market participants to offer price improvement. As such, the Exchange believes that the opportunity for additional price improvement provided by these wider spreads again merits offering greater incentive for market participants to increase the potential price improvement for customer orders in these transactions.

The Exchange's proposal to pay an enhanced cPRIME Break-up Credit for options in Penny classes and non-Penny classes to all market participants who experience a greater than sixty percent (60%) break-up of their cPRIME Order in a cPRIME Auction is consistent with Section 6(b)(4) of the Act [48] because it will encourage market participants to continue participating in cPRIME Auctions. The Exchange believes that the enhanced cPRIME Break-up Credit should improve market quality for all market participants. Additionally, the Exchange believes that by offering this enhanced cPRIME Break-up Credit, it will be able to incentivize initiating orders in order to compete with NYSE American. Although it is a business decision to bifurcate the Exchange's enhanced cPRIME Break-up Credit, the Exchange notes that its credit still remains lower than those of NYSE American, which the Exchange believes will serve to enhance competition.[49]

In addition, the proposal is also consistent with Section 6(b)(5) of the Act [50] because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because it applies equally to all cPRIME orders which are subject to a break-up and access to the Exchange is offered on terms that are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed increase in the Complex Surcharge for complex transactions is intended to promote narrower spreads and greater liquidity at the best prices. The fee-based incentives for market participants to provide liquidity by submitting complex orders to the Exchange, and thereby improve liquidity on the Exchange, should enable the Exchange to attract order flow and compete with other exchanges which also provide such incentives to their market participants for similar transactions.

The Exchange believes that increased complex order flow will bring greater volume and liquidity which in turn benefits all market participants by providing more trading opportunities and tighter spreads. Therefore, any potential effects that the increased Complex Surcharge for complex transactions may have on intra-market competition are justifiable due to the reasons stated above.

[42] 15 U.S.C. 78f(b)(1) and (b)(5).

[43] 15 U.S.C. 78f(b)(4).

[44] 15 U.S.C. 78f(b)(1) and (b)(5).

[45] *See* Cboe Fees Schedule, p. 3; *see also* NYSE American Fee Schedule, p. 18, footnote 2 under Section I.G.

[46] 15 U.S.C. 78f(b)(4).

[47] 15 U.S.C. 78f(b)(1) and (b)(5).

[48] 15 U.S.C. 78f(b)(4).

[49] *See supra* note 26.

[50] 15 U.S.C. 78f(b)(1) and (b)(5).

The Exchange believes that the proposed changes to the rebates and fees for participation in a cPRIME Auction are not going to have an impact on intra-market competition based on the total cost for participants to transact in such order types versus the cost for participants to transact in the other order types available for trading on the Exchange. As noted above, the Exchange believes that the proposed changes in the rebates and fees for the cPRIME Auction are comparable to that of other exchanges offering similar electronic price improvement mechanisms for complex orders and the Exchange believes that, based on experience with electronic price improvement crossing mechanisms on other markets, market participants understand that the price-improving benefits offered by the cPRIME Auction justify the transaction costs associated with the cPRIME Auction. To the extent that there is a difference between non-cPRIME Auction transactions and cPRIME Auction transactions, the Exchange does not believe this difference will cause participants to refrain from responding to cPRIME Auctions.

With respect to cPRIME Auctions, the Exchange notes that Cboe caps its fees at $0.50 per contract in its complex order auction mechanisms. And NYSE American does not assess its surcharge in its paired complex auction mechanism. As proposed, the Exchange will apply its surcharge in its single-sided complex auction mechanism (COA), but it will not apply the surcharge in its paired complex auction mechanism (cPRIME). Accordingly, as proposed to be expanded, the Exchange's surcharge will be more in line with Cboe's and NYSE American's surcharges, but it will be no more expansive than either such exchange.[51] Because the Complex Surcharge will not be applied in its cPRIME Auction, the Exchange believes that the proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposed rule change reflects this competitive environment because they modify the Exchange's fees in a manner that encourages market participants to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[52] and Rule 19b–4(f)(2) [53] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2018–22 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–MIAX–2018–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2018–22, and should be submitted on or before September 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[54]

Eduardo A. Aleman,

Assistant Secretary.

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[51] *See supra* note 14.

[52] 15 U.S.C. 78s(b)(3)(A)(ii).

[53] 17 CFR 240.19b–4(f)(2).

[54] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83799; File No. SR–OCC–2018–011]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Make Clarifying and Conforming Changes to The Options Clearing Corporation's Margins Methodology and Margin Policy

August 8, 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 24, 2018, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(1)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to make clarifying and conforming changes to its Margin Policy and Margins Methodology related to enhancements to OCC's margin methodology that were recently approved by the Commission. The proposed changes to the Margin Policy and Margins Methodology are included as confidential Exhibits 5A and 5B, respectively. Material proposed to be added to the Margin Policy and Margins Methodology as currently in effect is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS''), is OCC's proprietary risk management system that calculates Clearing Member margin requirements.[6] STANS utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a Clearing Member's margin requirement.[7] The STANS margin requirement is calculated at the portfolio level of Clearing Member accounts with positions in marginable securities and consists of an estimate of a 99% expected shortfall[8] over a two-day time horizon and an add-on margin charge for model risk (the concentration/dependence stress test charge).[9] The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.

On May 23, 2018, the Commission issued a Notice of No Objection to OCC's advance notice filing concerning a number of enhancements to OCC's margin methodology.[10] The proposed changes were designed to enable OCC to: (1) Obtain daily price data for equity products for use in the daily estimation of econometric model parameters; (2) enhance OCC's econometric model for updating statistical parameters for all risk factors that reflect the most recent data obtained; (3) improve the sensitivity and stability of correlation estimates across risk factors by using de-volatized returns; and (4) improve OCC's methodology related to the treatment of defaulting securities. On May 24, 2018, the Commission approved a proposed rule changed by OCC concerning these same enhancements (collectively with the advance notice filing, the ''Initial Filings'').[11] The purpose of this proposed rule change is to make clarifying and conforming changes to OCC's Margin Policy and Margins Methodology related to the implementation of the methodology enhancements in the Initial Filings. The proposed changes are described in detail below.

Proposed Changes

OCC proposes to revise its Margin Policy to reflect the use of daily price data in its margin models. Under the Initial Filings, the statistical parameters for OCC's econometric model would be updated on a daily basis using the new daily price data obtained by OCC.[12] As a result, OCC would no longer need to rely on scale factors to approximate day-to-day market volatility for equity-based products.[13] Instead, statistical parameters would be calibrated on a daily basis, allowing OCC to calculate more accurate margin requirements that are representative of the most recent market data. OCC therefore proposes to make conforming changes to its Margin Policy to remove references to scale factors and to provide that market data would be recalibrated on an at least weekly-basis with a daily recalibration performed where possible (as opposed to recalibrating on a monthly-basis).

OCC also proposes to revise its Margins Methodology to clarify certain constraints on first and second day conditional variance estimates that would be imposed as part of the implementation of the methodology enhancements in the Initial Filings. As part of the Initial Filings, OCC introduced a second-day forecast for volatility into the model to estimate the two-day scenario distributions for risk factors.[14] OCC proposes to clarify in its Margins Methodology that OCC would impose an upper-bound limitation on the second-day conditional variance estimate in order to ensure that the expected shortfall is finite. Specifically, in the implementation of the new methodology, OCC would floor the day ahead and second day conditional variance for STANS at 100% every day.

Finally, OCC proposes to revise its Margins Methodology to clarify that the proposed changes from the Initial Filings and the proposed changes described herein would not be implemented until October 1, 2018.

(2) Statutory Basis

Section 17A(b)(3)(F) of the Act, requires, among other things, that the rules of a clearing agency be designed,

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(1).

[5] OCC's By-Laws and Rules can be found on OCC's public website: *http://optionsclearing.com/about/publications/bylaws.jsp.*

[6] *See* Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR–OCC–2004–20).

[7] *See* OCC Rule 601.

[8] The expected shortfall component is established as the estimated average of potential losses higher than the 99% value at risk threshold. The term ''value at risk'' or ''VaR'' refers to a statistical technique that, generally speaking, is used in risk management to measure the potential risk of loss for a given set of assets over a particular time horizon.

[9] A detailed description of the STANS methodology is available at *http://optionsclearing.com/risk-management/margins/.*

[10] *See* Securities Exchange Act Release No. 83305 (May 23, 2018), 83 FR 24536 (May 29, 2018) (SR–OCC–2017–811).

[11] *See* Securities Exchange Act Release No. 83326 (May 24, 2018), 83 FR 25081 (May 31, 2018) (SR–OCC–2017–022).

[12] *See supra* notes 10 and 11.

[13] Prior to the implementation of daily updates, OCC would continue to employ an approach where one or many identified market proxies (or ''scale-factors'') are used to incorporate day-to-day market volatility across all associated asset classes throughout. In 2017, the Commission approved a proposed rule change and issued a Notice of No Objection to an advance notice filing by OCC which, among other things: (1) Expanded the number of scale factors used for equity-based products to more accurately measure the relationship between current and long-run market volatility with proxies that correlate more closely to certain products carried within the equity asset class, and (2) applied relevant scale factors to the greater of (i) the estimated variance of 1-day return scenarios or (ii) the historical variance of the daily return scenarios of a particular instrument, as a floor to mitigate procyclicality. *See* Securities Exchange Act Release No. 80147 (March 3, 2017), 82 FR 13163 (March 9, 2017) (SR–OCC–2017–001) and Securities Exchange Act Release No. 80143 (March 2, 2017), 82 FR 13036 (March 8, 2017) (SR–OCC–2017–801).

[14] *See supra* notes 10 and 11.

in general, to protect investors and the public interest.[15] The proposed rule change would make a number of clarifying and conforming changes to OCC's Margin Policy and Margins Methodology related to enhancements to OCC's margin methodology that were recently approved by the Commission.[16] Specifically, the proposed rule change is designed to improve OCC's policy and methodology documentation by clarifying certain implementation details of the methodology changes in the Initial Filings, ensuring that OCC's Margin Policy is properly aligned with the methodology enhancements upon their implementation, and clarifying the implementation date for these changes. OCC believes that the proposed rule change is therefore designed, in general, to protect investors and the public interest in accordance with Section 17A(b)(3)(F) of the Act.[17]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [18] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. The proposed rule change is intended to make clarifying and conforming changes to OCC's Margin Policy and Margins Methodology in connection with the implementation of a proposed rule change that was previously approved by the Commission. Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(1) [20] thereunder because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[21]

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–OCC–2018–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2018–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_18_011.pdf.*

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–OCC–2018–011 and should be submitted on or before September 4, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–17395 Filed 8–13–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 U.S.C. 78q–1(b)(3)(F).

[16] *See supra* notes 10 and 11 and associated text.

[17] 17 U.S.C. 78q–1(b)(3)(F).

[18] 15 U.S.C. 78q–1(b)(3)(I).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(1).

[21] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until (1) this change is deemed certified under CFTC Regulation 40.6 and (2) the implementation of the related methodology enhancements on October 1, 2018.

[22] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

DATES: Submit comments on or before September 13, 2018.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Administration Form 700 provides a record of interviews conducted by SBA personnel with small business owners, homeowners and renters (disaster victims) who seek financial assistance to help in the recovery from physical or economic disasters. The basic information collected helps the Agency to make preliminary eligibility assessment.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

Title: Disaster Home/Business Loan Inquiry Record.

Description of Respondents: Disaster Recovery Victims.

Form Number: SBA Form 700.

Estimated Annual Respondents: 46,638.

Estimated Annual Responses: 46,638.

Estimated Annual Hour Burden: 11,660.

Curtis Rich,

Management Analyst.

[FR Doc. 2018–17429 Filed 8–13–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 104500]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Franz Marc and August Macke: 1909–1914'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Franz Marc and August Macke: 1909–1914,'' 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 Neue Galerie New York, in New York, New York, from on or about October 4, 2018, until on or about January 21, 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: Julie Simpson, 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, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–17432 Filed 8–13–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 104501]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''The Renaissance Nude'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The Renaissance Nude,'' 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 J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about October 30, 2018, until on or about January 27, 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: Julie Simpson, 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, D.C. 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, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–17433 Filed 8–13–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10502]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Bruce Nauman: Disappearing Acts'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Bruce Nauman: Disappearing Acts,'' 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 that will be on view in two locations simultaneously, The Museum of Modern Art, New York, New York, from on or about October 21, 2018, until on or about March 16, 2019, and MoMA PS1, Long Island City, New York, from on or about October 21, 2018, until on or about March 24, 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: Julie Simpson, 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, and Delegation of Authority No. 236–3 of August 28, 2000.

Marie Therese Porter Royce,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–17434 Filed 8–13–18; 8:45 am]

BILLING CODE 4710–05–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0028]

Request for Comments and Notice of Public Hearing Concerning Russia's Implementation of Its WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to Congress on Russia's implementation of its obligations as a Member of the World Trade Organization (WTO).

DATES:

September 25, 2018 at midnight EST: Deadline for submission of written comments and for filing requests to appear and a summary of expected testimony at the public hearing.

October 4, 2018: The TPSC will convene a public hearing in Rooms 1 & 2, 1724 F Street NW, Washington, DC 20508 beginning at 9:30 a.m.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in section III below. The docket number is USTR–2018–0028. For alternatives to online submissions, please contact Yvonne Jamison at (202) 395–3475 before transmitting a comment and in advance of the relevant deadline.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, contact Yvonne Jamison at (202) 395–3475. Direct all other questions to Betsy Hafner, Deputy Assistant United States Trade Representative for Russia and Eurasia, at (202) 395–9124.

SUPPLEMENTARY INFORMATION:

I. Background

Russia became a Member of the WTO on August 22, 2012, and on December 21, 2012, following the termination of the application of the Jackson-Vanik amendment to Russia and the extension of permanent normal trade relations to the products of Russia, the United States and Russia both filed letters with the WTO withdrawing their notices of non-application and consenting to have the WTO Agreement apply between them. In accordance with Section 201(a) of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Pub. L. 112–208), USTR is required to submit, by December 21st of each year, a report to Congress on the extent to which Russia is implementing the WTO Agreement, including the Agreement on the Application of Sanitary and Phytosanitary Measures and the Agreement on Trade Related Aspects of Intellectual Property Rights. The Report also must assess Russia's progress on acceding to and implementing the Information Technology Agreement (ITA) and the Government Procurement Agreement (GPA). In addition, to the extent that USTR finds that Russia is not implementing fully any WTO agreement or is not making adequate progress in acceding to the ITA or the GPA, USTR must describe in the report the actions it plans to take to encourage Russia to improve its implementation and/or increase its accession efforts. In accordance with Section 201(a), and to assist it in preparing this year's report, the TPSC is hereby soliciting public comment.

The terms of Russia's accession to the WTO are contained in the Marrakesh Agreement Establishing the World Trade Organization and the Protocol on the Accession of the Russian Federation to the WTO (including its annexes) (Protocol). The Report of the Working Party on the Accession of the Russian Federation (Working Party Report) provides detail and context to the commitments listed in the Protocol. You can find the Protocol and Working Party Report on USTR's website at *https://ustr.gov/node/5887* or on the WTO website at *http://docsonline.wto.org* (document symbols: WT/ACC/RUS/70, WT/MIN(11)/2, WT/MIN(11)/24, WT/L/839, WT/ACC/RUS/70/Add.1, WT/MIN(11)/2/Add.1, WT/ACC/RUS/70/Add.2, and WT/MIN(11)/2/Add.1).

II. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons on Russia's implementation of the commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas:

a. Import regulation (*e.g.,* tariffs, tariff-rate quotas, quotas, import licenses).
b. Export regulation.
c. Subsidies.
d. Standards and technical regulations.
e. Sanitary and phytosanitary measures.
f. Trade-related investment measures (including local content requirements).
g. Taxes and charges levied on imports and exports.
h. Other internal policies affecting trade.
i. Intellectual property rights (including intellectual property rights enforcement).
j. Services.
k. Government procurement.
l. Rule of law issues (*e.g.,* transparency, judicial review, uniform administration of laws and regulations).
m. Other WTO commitments.

USTR must receive your written comments no later than September 25, 2018 at midnight EST.

The TPSC will convene a public hearing on Thursday, October 4, 2018, in Rooms 1 & 2, 1724 F Street NW, Washington, DC 20508. Persons wishing to testify at the hearing must provide written notification of their intention no later than September 25, 2018 at midnight EST. The intent to testify notification must be made in the ''Type Comment'' field under docket number USTR–2018–0028 on the *www.regulations.gov* website and should include the name, address, and telephone number of the person presenting the testimony. You should attach a summary of the testimony by using the ''Upload File'' field. The name of the file also should include who will be presenting the testimony. Remarks at the hearing will be limited to no more than five minutes to allow for possible questions from the TPSC.

III. Requirements for Submissions

Persons submitting a notification of intent to testify and/or written comments must do so in English and must identify (on the first page of the submission) ''Russia's WTO Implementation of its WTO Commitments.'' The deadline for submission is September 25, 2018 at midnight EST. In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the *www.regulations.gov* website. To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0028

on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use Regulations.gov'' on the bottom of the home page.

The *www.regulations.gov* website allows users to provide comments by filling in a ''type comment'' field, or by attaching a document using an ''upload file'' field. USTR prefers that you provide comments in an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''type comment'' field.

Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges that you file submissions through *www.regulations.gov.* You must make any alternative arrangements with Yvonne Jamison at (202) 395–3475 before transmitting a comment and in advance of the relevant deadline.

We will post comments in the docket for public inspection, except business confidential information. You can view comments on the *https://www.regulations.gov* website by entering docket number USTR–2018–0028 in the search field on the home page. General information concerning USTR is available at *www.ustr.gov.*

Edward Gresser,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2018–17379 Filed 8–13–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2018–61]

Petition for Exemption; Summary of Petition Received; Embry-Riddle Aeronautical University

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 4, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0618 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Brent Hart, (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on July 25, 2018.

Dale Bouffiou,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2018–0618

Petitioner: Embry-Riddle Aeronautical University

Section(s) of 14 CFR Affected: 141.63(a)(5)(i) and (ii)

Description of Relief Sought: The petitioner seeks relief from 14 CFR 141.63(a)(5)(i) and (ii) for the purpose of seeking a one-time approval to establish examining authority privileges to new courses, based on existing courses in which examining authority is currently approved, for Air Agency certificate #BF8S032Q.

[FR Doc. 2018–17468 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Dealer's Aircraft Registration Certificate Application

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA

invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves submittal of pertinent information by a business or an individual to support issuance by the FAA of a Dealer's Aircraft Registration Certificate, which allows operation of an aircraft on a temporary basis under the auspices of a dealer business rather than having to obtain permanent registration. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 7, 2018.

DATES: Written comments should be submitted by September 13, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0024.

Title: Dealer's Aircraft Registration Certificate Application.

Form Numbers: AC Form 8050–5.

Type of Review: Renewal of an information collection.

Background: Public Law 103–272 states that all aircraft must be registered before they may be flown. It sets forth registration eligibility requirements and provides for application for registration as well as suspension and/or revocation of registration.

a. Federal Aviation Regulation (FAR) Part 47 prescribes procedures that implement Public Law 103–272 which provides for the issuance of dealer's aircraft registration certificates and for their use in connection with aircraft eligible for registration under this Act by persons engaged in manufacturing, distributing or selling aircraft. Dealer's certificates enable such persons to fly aircraft for sale immediately without having to go through the paperwork and expense of applying for and securing a permanent Certificate of Aircraft Registration. It also provides a system of identification of aircraft dealers.

b. Federal Aviation Regulations (FAR) Part 47 establishes procedures for implementing Section 505 of the Act. Specifically, Subpart C, Parts 47.61 through 47.71, describes procedures for obtaining and using dealer's certificates in FAR Part 47.63, elicit the information needed from the applicant in order to comply with Section 505 of the Act and FAR Part 47, Subpart C.

Respondents: Application for dealer's certificate may be made by any individual or company engaged in manufacturing, distributing, or selling aircraft who wants to be able operate those aircraft with a dealer's certificate instead of registering them permanently in the name of the entity.

Frequency: To maintain the certificate, the holder must renew/re-submit annually as the certificate expires one year after issuance.

Estimated Average Burden per Response: 45 minutes.

Estimated Total Annual Burden: During FY–2017, the FAA received 3,579 applications for dealer certificate, which equals 2684.25 hours.

Issued in Washington, DC on August 7, 2018.

Robin Darden,

Management Support Specialist, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–17462 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting of the National Parks Overflights Advisory Group

ACTION: Notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) and the National Park Service (NPS), in accordance with the National Parks Air Tour Management Act of 2000, announce the next meeting of the National Parks Overflights Advisory Group (NPOAG). This notification provides the date, location, and agenda for the meeting.

Date and Location: The NPOAG will meet on September 18, 2018. The meeting will take place in the Mohave Room of the Las Vegas Hilton Garden Inn, located at 1340 West Warm Springs Road, Henderson, NV 89014. The meeting will be held from 8:30 a.m. to 4:30 p.m. on September 18, 2018. This NPOAG meeting will be open to the public. Because seating is limited, members of the public wishing to attend will need to contact the person listed under **FOR FURTHER INFORMATION CONTACT** by September 3, 2018 to ensure sufficient meeting space is available to accommodate all attendees.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, AWP–1SP, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 777 South Aviation Boulevard, Suite 150, El Segundo, CA 92045, telephone: (424) 405–7017, email: *Keith.Lusk@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (NPATMA), enacted on April 5, 2000, as Public Law 106–181, required the establishment of the NPOAG within one year after its enactment. The Act requires that the NPOAG be a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairperson of the advisory group.

The duties of the NPOAG include providing advice, information, and recommendations to the FAA Administrator and the NPS Director on; implementation of Public Law 106–181; quiet aircraft technology; other measures that might accommodate interests to visitors of national parks; and at the request of the Administrator and the Director, on safety, environmental, and other issues related to commercial air tour operations over national parks or tribal lands.

Agenda for the September 18, 2018 NPOAG Meeting

The agenda for the meeting will include, but is not limited to, an update on ongoing park specific air tour planning projects, commercial air tour reporting, and the Grand Canyon quiet technology seasonal relief incentive.

Attendance at the Meeting and Submission of Written Comments

Although this is not a public meeting, interested persons may attend. Because seating is limited, if you plan to attend please contact the person listed under **FOR FURTHER INFORMATION CONTACT** so that meeting space may be made to accommodate all attendees. Written comments regarding the meeting will be accepted directly from attendees or may be sent to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Record of the Meeting

If you cannot attend the NPOAG meeting, a summary record of the meeting will be made available under the NPOAG section of the FAA ATMP website at:*http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/parks_overflights_group/minutes.cfm* or through the Special Programs Staff, Western-Pacific Region, 777 South Aviation Boulevard, Suite 150, El Segundo, CA 90245, telephone: (424) 405–7017.

Issued in El Segundo, CA on August 7, 2018.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2018–17460 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Organization Designation Authorization–Part 183, Subpart D

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 7, 2018. This collection involves organizations applying to perform certification functions on behalf of the FAA, including approving data and issuing various aircraft and organization certificates.

DATES: Written comments should be submitted by September 13, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0704.

Title: Organization Designation Authorization–Part 183, Subpart D.

Form Numbers: FAA Form 8100–13.

Type of Review: Extension without change of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on June 7, 2018 (83 FR 26538). 49 U.S.C. Section 44702(d) empowers the Administrator of the Federal Aviation Administration to delegate to any properly qualified private person functions related to the examination, inspection, and testing necessary to the issuance of certificates. Subpart D to part 183 allows the FAA to appoint organizations as representatives of the administrator. As authorized, these organizations perform certification functions on behalf of the FAA. Applications are submitted to the appropriate FAA office and are reviewed by the FAA to determine whether the applicant meets the requirements necessary to be authorized as a representative of the Administrator. Procedures manuals are submitted and approved by the FAA as a means to ensure that the correct processes are utilized when performing functions on behalf of the FAA. These requirements are necessary to manage the various approvals issued by the organization and to document approvals issued and must be maintained in order to address potential future safety issues.

Respondents: The application form is submitted to the appropriate Federal Aviation Administration (FAA) office by an interested organization.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 43.5 hours.

Estimated Total Annual Burden: 5,623 hours.

Issued in Washington, DC on August 7, 2018.

Robin Darden,

Management Support Specialist, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–17461 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to an Off the Highway System Project, CV Link, a multi-modal project for use by bicycles, pedestrians and low speed electric vehicles, from the City of Palm Springs to the City of Coachella in Riverside County, State of California. Those actions grant approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the Off the Highway System Project will be barred unless the claim is filed on or before January 11, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Aaron Burton, Senior Environmental Planner, Local Assistance-Environmental Support, California Department of Transportation District 8, 464 West Fourth Street, 6th Floor, MS 760, San Bernardino, CA 92401 during regular office hours from 8:00 a.m. to 5:00 p.m., Telephone number: (909) 383–2841, email: *aaron.burton@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following Off the Highway System Project in the State of California: CV Link Multi-Modal Path Project. CV Link proposes to construct a 49± mile multi-modal transportation path for use by bicycles, pedestrians and low speed electric vehicles. The project is located in the Coachella Valley and extends across eight (8) municipalities, unincorporated county lands, and reservation land of three (3) Native American Tribes. The purpose of the project is to address a lack of integrated multi-modal access throughout the valley and enhance the active transportation network from the City of Palm Springs to the City of Coachella. CV Link largely is to be built atop the embankments and levees of the region's principal watercourses, including Whitewater Floodplain, Tahquitz Creek, Chino Creek, and the Whitewater and Coachella Valley Stormwater Channels. Grade-separated crossings (bridges or under-crossings) of major roadways are also proposed. In areas where these major drainage corridors are inaccessible, on-street routes are proposed. Route alignments using the street network are considered in challenging areas and will provide options for near and long-term implementation.

The project is intended to enhance connectivity between major employment, residential, recreational, and institutional centers throughout the valley, while promoting the use of alternative modes of transportation. The project will have important impacts on the Coachella Valley region, including increased tourism, increased business and residential values within ½ mile, gasoline savings, construction projects, and reduced medical costs from reduced obesity and other health issues.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on December 21, 2017 and the Finding of No Significant Impact (FONSI) issued on July 26, 2018 and in other documents in the Caltrans' project records. The EA, FONSI and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project website at *http://www.cvag.org/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Section 4(f) of the U.S. Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703- 712].
5. Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Clean Water Act 33 U.S.C. 1251–1387.
7. Farmland Protection Policy Act [7 U.S.C. 4201–4209 and its regulations].
8. E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Tashia J. Clemons,

Director, Planning and Environment, Federal Highway Administration, Sacramento, California.

[FR Doc. 2018–17509 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Lake, Cook and McHenry Counties, Illinois

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of extension of the scoping comment period.

SUMMARY: The FHWA is allowing additional time for the public to submit scoping comments on an environmental impact statement (EIS) for a proposed transportation improvement project in Lake, Cook and McHenry Counties in Illinois. The project is referred to as the Tri-County Access Project. The end of the scoping comment period is extended from August 24, 2018 to October 1, 2018.

DATES: To ensure consideration in developing the draft EIS, comments must be received by the close of the scoping period on October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Catherine A. Batey, Division Administrator, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703, Phone: 217–492–4640. Paul Kovacs, Chief Engineer, Illinois Tollway, 2700 Ogden Avenue, Downers Grove, Illinois 60515, Phone 630–241–6800. Anthony Quigley, Deputy Director of Highways, Region 1 Engineer, Illinois Department of Transportation, 201 West Center Court, Schaumburg, Illinois 60196, Phone: 847–705–4401.

SUPPLEMENTARY INFORMATION: On July 16, 2018 (83 FR 32947), the FHWA published a notice of intent (NOI) to prepare an EIS for a proposed transportation improvement project in Lake County, northern portions of Cook County, and eastern portions of McHenry County. Locally, this project is referred to as the Tri-County Access Project. The close of the scoping comment period for the NOI published on July 16, 2018, was August 24, 2018. In response to requests for an extension of the comment period, we are extending the scoping comment period to October 1, 2018. All comments received between July 16, 2018 and October 1, 2018 will be considered.

The July 16, 2018 NOI listed the dates and times of the public scoping meetings and discussed the alternatives that will be considered. Improvements in the project area are proposed to reduce congestion, improve reliability of travel, improve travel options connecting major origins and destinations, and improve local and regional travel efficiency.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Scoping input on the proposed project may be submitted via the project website (tricountyaccess.org), via email

at *info@tricountyaccess.org,* or in writing to the Illinois Tollway, 2700 Ogden Avenue, Downers Grove, Illinois 60515, attention Pete Foernssler. Scoping input on the proposed project also will be invited during a public informational meeting scheduled for September 6, 2018. All comments received through the scoping process will be part of the project record. Comments and questions concerning the proposed action and this notice should be directed to the Illinois Tollway at the address provided above by the close of business on October 1, 2018.

Authority: 23 U.S.C. 315; 23 CFR 771.123 (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 8, 2018.

Catherine A. Batey,

Division Administrator, Springfield, Illinois.

[FR Doc. 2018–17504 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA); U.S. Army Corps of Engineers (USACE), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the USACE.

SUMMARY: FTA is issuing this notice to announce action taken by the USACE that is final within the meaning of the United States Code. The action relates to the construction of a 16.2-mile light-rail transit (LRT) line, known as the Purple Line, from the Bethesda Metro Station in Montgomery County, Maryland, to the New Carrollton Station in Prince George's County, Maryland (the Project). The USACE granted a Department of the Army permit, pursuant to Section 404 of the Clean Water Act, as amended, authorizing the Maryland Transit Administration (MTA) to discharge dredged or fill material into Waters of the United States at specified locations related to the Project.

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 the identified Federal agency action related to the Project will be barred unless the claim is filed on or before January 11, 2019. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FTA: 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 a.m. to 5 p.m., Monday through Friday, except Federal holidays. For USACE: Department of the Army, Baltimore District, U.S. Army Corps of Engineers Regulatory Division, Attn: Maria Teresi, 2 Hopkins Plaza, Baltimore, Maryland 21201; telephone: (410) 962–4501.

SUPPLEMENTARY INFORMATION: Notice is hereby given that USACE has taken final agency action by issuing certain approval related to the Project. The actions on the project, as well as the laws under which such actions were taken, are described in the Department of the Army Permit and related documents in the USACE administrative record for the permit action. Interested parties may contact the USACE Baltimore District Regulatory Division Office for more information on the USACE's permit decision. Contact information for the appropriate USACE representative is above. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all USACE decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Water Act [33 U.S.C. 1251–1387]. 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 Purple Line, Montgomery County to Prince George's County, Maryland. *Project Sponsor:* Maryland Transit Administration (MTA). *Project description:* The project involves the construction of a 16.2-mile light-rail (LRT) line from Bethesda Metro Station in Montgomery County, Maryland, to the New Carrollton Station in Prince George's County, Maryland. The project utilizes existing trails and roadways for the majority of its length. The transit way will be constructed largely at grade with one tunnel section at Plymouth Road, three sections elevated on structures, and several bridge structures. The project will service 5 major activity centers and 21 stations. Two storage and maintenance facilities will be constructed (Lyttonsville Yard and Glenridge Yard). *Final agency action:* Department of the Army permit issued pursuant to Section 404 Clean Water Act effective March 14, 2018. *Supporting documentation:* USACE Record of Decision issued March 14, 2018. The USACE decision and permit No. 2016–61278–M07 are available by contacting USACE at the address provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which the final action was taken.

Authority: 23 U.S.C. 139(l).

Elizabeth S. Riklin,

Deputy Associate Administrator Planning and Environment.

[FR Doc. 2018–17420 Filed 8–13–18; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF VETERANS AFFAIRS

Solicitation of Nomination for Appointment to the Advisory Committee on Women Veterans

ACTION: Notice, amended.

SUMMARY: The Department of Veterans Affairs (VA) is seeking nominations of qualified candidates to be considered for membership on the Advisory Committee on Women Veterans (''the Committee'') for the 2018 membership cycle.

DATES: Nominations for membership on the Committee must be received by August 20, 2018, no later than 4:00 p.m., eastern standard time. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nomination packages should be sent to the Advisory Committee Management Office by email (recommended) or mail. Please see contact information below.

Advisory Committee Management Office (00AC), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *vaadvisorycmte@va.gov*

SUPPLEMENTARY INFORMATION: In carrying out the duties set forth, the Committee responsibilities include, but are not limited to provides a

Congressionally-mandated report to the Secretary each even-numbered year, which includes:

(1) An assessment of the needs of women Veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by VA;

(2) A review of the programs and activities of VA designed to meet such needs; and

(3) Proposing recommendation (including recommendations for administrative and legislative action) as the Committee considers appropriate. The Committee reports to the Secretary, through the Director of the Center for Women Veterans.

Authority: The Committee is authorized by 38 U.S.C. 542, to provide advice to the Secretary of Veterans Affairs (Secretary) on: The administration of VA's benefits and services (health care, rehabilitation benefits, compensation, outreach, and other relevant programs) for women Veterans; reports and studies pertaining to women Veterans; and the needs of women Veterans. In accordance with the Statute and the Committee's current charter, the majority of the membership shall consist of non-Federal employees appointed by the Secretary from the general public, serving as special government employees.

The Secretary appoints Committee members, and determines the length of terms in which Committee members serve. A term of service for any member may not exceed 3 years. However, the Secretary can reappoint members for additional terms. Each year, there are several vacancies on the Committee, as members' terms expire.

Membership Criteria: The Committee is currently comprised of 12 members. By statute, the Committee consists of members appointed by the Secretary from the general public, including: Representatives of women Veterans; individuals who are recognized authorities in fields pertinent to the needs of women Veterans, including the gender specific health-care needs of women; representatives of both female and male Veterans with service-connected disabilities, including at least one female Veteran with a service-connected disability and at least one male Veteran with a service-connected disability; and women Veterans who are recently separated from service in the Armed Forces.

The Committee meets at least two times annually, which may include a site visit to a VA field location. In accordance with Federal Travel Regulation, VA will cover travel expenses—to include per diem—for all members of the Committee, for any travel associated with official Committee duties. A copy of the Committee's most recent charter and a list of the current membership can be found at *www.va.gov/ADVISORY/* or *www.va.gov/womenvet/*. Self-nominations are acceptable. Any letters of nomination from organizations or other individuals should accompany the package when it is submitted. Non-Veterans are also eligible for nomination.

In accordance with recently revised guidance regarding the ban on lobbyists serving as members of advisory boards and commissions, Federally-registered lobbyists are prohibited from serving on Federal advisory committees in an individual capacity. Additional information regarding this issue can be found at *www.federalregister.gov/articles/2014/08/13/2014-19140/revised-guidance-on-appointment-of-lobbyists-to-federal-advisory-committees-boards-and-commissions.*

Requirements for Nomination Submission

Nomination packages must be typed (12 point font) and include: (1) A cover letter from the nominee, and (2) a current resume that is no more than four pages in length. The cover letter must summarize: The nominees' interest in serving on the committee and contributions she/he can make to the work of the committee; any relevant Veterans service activities she/he is currently engaged in; the military branch affiliation and timeframe of military service (if applicable). To promote inclusion and demographic balance of membership, please include as much information related to your race, national origin, disability status, or any other factors that may give you a diverse perspective on women Veterans matters. Finally, please include in the cover letter the nominee's complete contact information (name, address, email address, and phone number); and a statement confirming that she/he is not a Federally-registered lobbyist. The resume should show professional work experience, and Veterans service involvement, especially service that involves women Veterans' issues.

The Department makes every effort to ensure that the membership of its advisory committees is fairly balanced, in terms of points of view represented. In the review process, consideration is given to nominees' potential to address the Committee's demographic needs (regional representation, race/ethnicity representation, professional expertise, war era service, gender, former enlisted or officer status, branch of service, etc.). Other considerations to promote a balanced membership include longevity of military service, significant deployment experience, ability to handle complex issues, experience running large organizations, and ability to contribute to the gender-specific health care and benefits needs of women Veterans.

Dated: July 13, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Office.

[FR Doc. 2018–17452 Filed 8–13–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Tuesday,

No. 157 August 14, 2018

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–HQ–MB–2017–0028; FF09M21200–178–FXMB1231099BPP0]

RIN 1018–BB73

Migratory Bird Hunting; Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for migratory game birds. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2018–19 season.

DATES: This rule takes effect on August 14, 2018.

ADDRESSES: You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office at 5275 Leesburg Pike, Falls Church, Virginia. You may obtain copies of referenced reports from the street address above, or from the Division of Migratory Bird Management's website at *http://www.fws.gov/migratorybirds/,* or at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2017–0028.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2018

On August 3, 2017, we published a proposal to amend title 50 of the Code of Federal Regulations (CFR) at part 20 (82 FR 36308). The proposal provided a background and overview of the migratory bird hunting regulations process, and addressed the establishment of seasons, limits, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2018–19 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the August 3, 2017, proposed rule.

The August 3, 2017, proposed rule also provided detailed information on the proposed 2018–19 regulatory schedule and announced the Service Regulations Committee (SRC) and Flyway Council meetings.

On October 3, 2017, we published in the **Federal Register** (82 FR 46011) a second document providing supplemental proposals for migratory bird hunting regulations. The October 3 supplement also provided detailed information on the 2018–19 regulatory schedule and re-announced the SRC meetings. On October 17–18, 2017, we held open meetings with the Flyway Council consultants, at which the participants reviewed information on the current status of migratory game birds and developed recommendations for the 2018–19 regulations for these species. On February 2, 2018, we published in the **Federal Register** (83 FR 4964) the proposed frameworks for the 2018–19 season migratory bird hunting regulations. On June 4, 2018, we published in the **Federal Register** (83 FR 25738) final season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected season hunting dates, hours, areas, and limits for 2018–19 seasons.

The final rule described here is the final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 2018–19, and deals specifically with amending subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for migratory game bird species. This final rule is the culmination of the rulemaking process for the migratory game bird hunting seasons, which started with the August 3, 2017, proposed rule. As discussed elsewhere in this document, we supplemented that proposal on October 3, 2017, and February 2, 2018, and published final season frameworks on June 4, 2018, that provided the season selection criteria from which the States selected these seasons. This final rule sets the migratory game bird hunting seasons based on that input from the States. We previously addressed all comments in the June 4 **Federal Register**.

Required Determinations

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This action is not subject to Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) because it establishes annual harvest limits related to routine hunting or fishing.

National Environmental Policy Act (NEPA) Consideration

The programmatic document, ''Second Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (EIS 20130139),'' filed with the Environmental Protection Agency (EPA) on May 24, 2013, addresses NEPA (42 U.S.C. 4321 *et seq.*) compliance by the Service for issuance of the annual framework regulations for hunting of migratory game bird species. We published a notice of availability in the **Federal Register** on May 31, 2013 (78 FR 32686), and our Record of Decision on July 26, 2013 (78 FR 45376). We also address NEPA compliance for waterfowl hunting frameworks through the annual preparation of separate environmental assessments, the most recent being ''Duck Hunting Regulations for 2018–19,'' with its corresponding May 2018 finding of no significant impact. The programmatic document, as well as the separate environmental assessment, is available on our website at *https://www.fws.gov/migratorybirds/pdf/policies-and-regulations/FSEISIssuanceofAnnualRegulations.pdf* and *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2017–0028, respectively.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat. * * *.'' Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded that the regulations are not likely to jeopardize the continued existence of any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks (83 FR 25738; June 4, 2018) reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

E.O. 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has reviewed this rule and has determined that this rule is significant because it will have an annual effect of $100 million or more on the economy.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

An economic analysis was prepared for the 2018–19 season. This analysis was based on data from the 2011 National Hunting and Fishing Survey, the most recent year for which data are available (see discussion under *Regulatory Flexibility Act,* below). This analysis estimated consumer surplus for three alternatives for duck hunting (estimates for other species are not quantified due to lack of data). The alternatives are (1) issue restrictive regulations allowing fewer days than those issued during the 2017–18 season, (2) issue moderate regulations allowing more days than those in alternative 1, and (3) issue liberal regulations identical to the regulations in the 2017–18 season. For the 2018–19 season, we chose Alternative 3, with an estimated consumer surplus across all flyways of $334–$440 million with a mid-point estimate of $387 million. We also chose alternative 3 for the 2009–10, the 2010–11, the 2011–12, the 2012–13, the 2013–14, the 2014–15, the 2015–16, the 2016–17, and the 2017–18 seasons. The 2018–19 analysis is part of the record for this rule and is available at *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2017–0028.

Regulatory Flexibility Act

The annual migratory bird hunting regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, 2004, 2008, 2013, and 2018. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2018 Analysis was based on the 2011 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend approximately $1.5 billion at small businesses in 2018. Copies of the Analysis are available upon request from the Division of Migratory Bird Management (see **FOR FURTHER INFORMATION CONTACT**) or from *http://www.regulations.gov* at Docket No. FWS–HQ–MB–2017–0028.

Small Business Regulatory Enforcement Fairness Act

This final rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule will have an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

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. This rule does not contain any new collection of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with migratory bird surveys and the procedures for establishing annual migratory bird hunting seasons under the following OMB control numbers:

- 1018–0019, ''North American Woodcock Singing Ground Survey'' (expires 6/30/2021).
- 1018–0023, ''Migratory Bird Surveys, 50 CFR 20.20'' (expires 8/31/2020). Includes Migratory Bird Harvest Information Program, Migratory Bird Hunter Surveys, Sandhill Crane Survey, and Parts Collection Survey.
- 1018–0171, ''Establishment of Annual Migratory Bird Hunting Seasons, 50 CFR part 20'' (expires 06/30/2021).

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988.

Takings Implication Assessment

In accordance with E.O. 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, this rule allows hunters to exercise otherwise unavailable privileges and, therefore, reduces restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under E.O. 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the August 3, 2017, **Federal Register** (82 FR 36308), we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust

lands, and ceded lands for the 2018–19 migratory bird hunting season. The resulting proposals were contained in a May 23, 2018 (83 FR 23869), proposed rule. By virtue of these actions, we have consulted with affected Tribes.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States through the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Review of Public Comments

The preliminary proposed rulemaking (August 3, 2017; 82 FR 36308) opened the public comment period for 2018–19 migratory game bird hunting regulations. We previously addressed all comments in a June 4, 2018, **Federal Register** publication (83 FR 25738).

Regulations Promulgation

The rulemaking process for migratory game bird hunting, by its nature, operates under a time constraint as seasons must be established each year or hunting seasons remain closed. However, we intend that the public be provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act (5 U.S.C. subchapter II) requirements. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment and the most opportunities for public involvement. We also provided notification of our participation in multiple Flyway Council meetings, opportunities for additional public review and comment on all Flyway Council proposals for regulatory change, and opportunities for additional public review during the Service Regulations Committee meeting. Therefore, we believe that sufficient public notice and opportunity for involvement have been given to affected persons.

Further, States need sufficient time to communicate these season selections to their affected publics, and to establish and publicize the necessary regulations and procedures to implement these seasons. Thus, we find that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and therefore, under authority of the Migratory Bird Treaty Act (July 3, 1918), as amended (16 U.S.C. 703–711), these regulations will take effect less than 30 days after publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: July 17, 2018.

Susan Combs,

Senior Advisor to the Secretary, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K of the Code of Federal Regulations is amended as follows:

PART 20—MIGRATORY BIRD HUNTING

■ 1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703 *et seq.,* and 16 U.S.C. 742a-j.

Note— The following annual hunting regulations provided for by §§ 20.101 through 20.107 and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

■ 2. Section 20.101 is revised to read as follows:

§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset.

CHECK COMMONWEALTH REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) Puerto Rico.

	Season dates	Limits	
		Bag	Possession
Doves and Pigeons:			
Zenaida, white-winged, and mourning doves (1)	Sept. 1–Oct. 29	20	20
Scaly-naped pigeons	Closed		
Ducks	Nov. 10–Dec. 17 &	6	12
	Jan. 12–Jan. 28	6	12
Common Moorhens	Nov. 10–Dec. 17 &	6	12
	Jan. 12–Jan. 28	6	12
Common Snipe	Nov. 10–Dec. 17 &	8	16
	Jan. 12–Jan. 28	8	16

(1) Not more than 10 Zenaida and 3 mourning doves in the aggregate.

Restrictions: In Puerto Rico, the season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, purple gallinule, American coot, Caribbean coot, white-crowned pigeon, and plain pigeon.

Closed Areas: Closed areas are described in the June 4, 2018, **Federal Register** (83 FR 25738).

(b) Virgin Islands

	Season dates	Limits	
		Bag	Possession
Zenaida doves	Sept. 1–Sept. 30	10	10
Ducks	CLOSED		

Restrictions: In the Virgin Islands, the seasons are closed for ground or quail doves, pigeons, ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, and all other ducks, and purple gallinule.

Closed Areas: Ruth Cay, just south of St. Croix, is closed to the hunting of migratory game birds. All Offshore Cays under jurisdiction of the Virgin Islands Government are closed to the hunting of migratory game birds.

■ 3. Section 20.102 is revised to read as follows:

§ 20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset.

Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Area seasons	Dates
North Zone	Sept. 1–Dec. 16.
Gulf Coast Zone	Sept. 1–Dec. 16.
Southeast Zone	Sept. 16–Dec. 31.
Pribilof and Aleutian Islands Zone.	Oct. 8–Jan. 22.
Kodiak Zone	Oct. 8–Jan. 22.

Area	Daily bag and possession limits							
	Ducks (1)	Canada Geese (2)(3)	White Fronted Geese (4)(5)	Light Geese (6)	Brant	Emperor Geese (7)(8)	Snipe	Sandhill Cranes (9)
North Zone	10–30	4–12	4–12	6–18	3–9	1–1	8–24	3–9
Gulf Coast Zone	8–24	4–12	4–12	6–18	3–9	1–1	8–24	2–6
Southeast Zone	7–21	4–12	4–12	6–18	3–9	1–1	8–24	2–6
Pribilof and Aleutian Islands Zone	7–21	6–18	6–18	6–18	3–9	1–1	8–24	2–6
Kodiak Zone	7–21	4–12	4–12	6–18	3–9	1–1	8–24	2–6

(1) The basic duck bag limits may include no more than 2 canvasbacks daily, and may not include sea ducks. In addition to the basic duck limits, the sea duck limit is 10 daily (singly or in the aggregate), including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers. The season for Steller's and spectacled eiders is closed.

(2) In Units 5 and 6, the taking of Canada geese is only permitted from September 28 through December 16. In the Middleton Island portion of Unit 6, the taking of Canada geese is by special permit only. The maximum number of Canada goose permits is 10 for the season. A mandatory goose- identification class is required. Hunters must check in and out. The daily bag and possession limit is 1. The season will close if harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

(3) In Units 9, 10, 17, and 18, for Canada geese, the daily bag limit is 6 and the possession limit is 18.

(4) In Units 9, 10, and 17, for white-fronted geese, the daily bag limit is 6 and the possession limit is 18.

(5) In Unit 18, for white-fronted geese, the daily bag limit is 10 and the possession limit is 30.

(6) Light geese include snow geese and Ross's geese.

(7) In Unit 8, the Kodiak Island Roaded Area is closed to emperor goose hunting. The Kodiak Island Roaded Area consists of all lands and water (including exposed tidelands) east of a line extending from Crag Point in the north to the west end of Saltery Cove in the south and all lands and water south of a line extending from Termination Point along the north side of Cascade Lake extending to Anton Larsen Bay. Marine waters adjacent to the closed area are closed to harvest within 500 feet from the water's edge. The offshore islands are open to harvest, for example: Woody, Long, Gull and Puffin Islands.

(8) Emperor goose hunting is by State permit only; no more than 1 emperor goose may be harvested per hunter per season. Hunters will be required to file a harvest report with the State after harvesting an emperor goose. Total emperor goose harvest may not exceed 1,000 birds. See State regulations for specific dates, times, and conditions of permit hunts and closures.

(9) In Unit 17 of the North Zone, for sandhill cranes, the daily bag limit is 2 and the possession limit is 6.

Falconry: The total combined bag and possession limit for migratory game birds taken with the use of a raptor under a falconry permit is 3 per day, 9 in possession, and may not exceed a more restrictive limit for any species listed in this subsection.

Special Tundra Swan Season: In Units 17, 18, 22, and 23, there will be a tundra swan season from September 1 through October 31 with a season limit of 3 tundra swans per hunter. This season is by State permit only; hunters will be issued 1 permit allowing the take of up to 3 tundra swans. Hunters will be required to file a harvest report with the State after the season is completed. Up to 500 permits may be issued in Unit 18; 300 permits each in Units 22 and 23; and 200 permits in Unit 17.

■ 4. Section 20.103 is revised to read as follows:

§ 20.103 Seasons, limits, and shooting hours for doves and pigeons.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) Doves

Note: Unless otherwise noted, the seasons listed below are for mourning and white-winged doves. Daily bag and possession limits are in the aggregate for the two species.

	Season dates	Limits	
		Bag	Possession
EASTERN MANAGEMENT UNIT			
Alabama:			
North Zone:			
12 noon to sunset	Sept. 8 only	15	15
1/2 hour before sunrise to sunset	Sept. 9–Oct. 14 &	15	45
	Nov. 17–Nov. 25 &	15	45
	Dec. 15–Jan. 27	15	45
South Zone:			
12 noon to sunset	Sept. 15 only	15	15
1/2 hour before sunrise to sunset	Sept. 16–Oct. 21 &	15	45
	Nov. 17–Nov. 25 &	15	45
	Dec. 15–Jan. 27	15	45
Delaware	Sept. 1–Oct. 1 &	15	45
	Nov. 19–Jan. 31	15	45
Florida:			
12 noon to sunset	Sept. 22–Oct. 14	15	45
1/2 hour before sunrise to sunset	Nov. 10–Dec. 2 &	15	45
	Dec. 19–Jan. 31	15	45
Georgia:			
12 noon to sunset	Sept. 1 only	15	15
1/2 hour before sunrise to sunset	Sept. 2–Sept. 16 &	15	45
	Oct. 13–Oct. 31 &	15	45
	Nov. 22–Jan. 15	15	45
Illinois (1)	Sept. 1–Nov. 14 &	15	45
	Dec. 26–Jan. 9	15	45
Indiana	Sept. 1–Oct. 14 &	15	45
	Nov. 1–Nov. 18 &	15	45
	Dec. 8–Jan. 4	15	45
Kentucky:			
11 a.m. to sunset	Sept. 1 only	15	15
1/2 hour before sunrise to sunset	Sept. 2–Oct. 26 &	15	45
	Nov. 22–Dec. 2 &	15	45
	Dec. 22–Jan. 13	15	45
Louisiana:			
North Zone:			
1/2 hour before sunrise to sunset	Sept. 1–Sept. 23 &	15	45
	Oct. 6–Nov. 11 &	15	45
	Dec. 16–Jan. 14	15	45
South Zone:			
1/2 hour before sunrise to sunset	Sept. 1–Sept. 9 &	15	45
	Oct. 6–Nov. 25 &	15	45
	Dec. 16–Jan. 14	15	45
Maryland:			
12 noon to sunset	Sept. 1–Oct. 20	15	45
1/2 hour before sunrise to sunset	Oct. 27–Nov. 23 &	15	45
	Dec. 18–Jan. 12	15	45
Mississippi:			
North Zone	Sept. 1–Oct. 7 &	15	45
	Oct. 27–Nov. 7 &	15	45
	Dec. 22–Jan. 31	15	45
South Zone	Sept. 1–Sept. 9 &	15	45
	Oct. 6–Nov. 7 &	15	45
	Dec. 15–Jan. 31	15	45
North Carolina	Sept. 1–Oct. 6 &	15	45
	Nov. 17–Dec. 1 &	15	45
	Dec. 10–Jan. 31	15	45
Ohio	Sept. 1–Nov. 4 &	15	45
	Dec. 15–Jan. 8	15	45
Pennsylvania:			
1/2 hour before sunrise to sunset	Sept. 1–Nov. 24	15	45
	Dec. 18–Jan. 5	15	45

	Season dates	Limits	
		Bag	Possession
Rhode Island:			
12 noon to sunset	Sept. 8–Oct. 7	15	45
1/2 hour before sunrise to sunset	Oct. 20–Dec. 2 &	15	45
	Dec. 8–Dec. 23	15	45
South Carolina:			
12 noon to sunset	Sept. 1–Sept. 3	15	45
1/2 hour before sunrise to sunset	Sept. 4–Oct. 13 &	15	45
	Nov. 10–Nov. 24 &	15	45
	Dec. 15–Jan. 15	15	45
Tennessee:			
12 noon to sunset	Sept. 1 only	15	15
1/2 hour before sunrise to sunset	Sept. 2–Sept. 28 &	15	45
	Oct. 13–Nov. 4 &	15	45
	Dec. 8–Jan. 15	15	45
Virginia:			
12 noon to sunset	Sept. 1 only	15	45
1/2 hour before sunrise to sunset	Sept. 2–Oct. 28 &	15	45
	Nov. 21–Nov. 28 &	15	45
	Dec. 22–Jan. 14	15	45
West Virginia:			
12 noon to sunset	Sept. 1 only	15	15
1/2 hour before sunrise to sunset	Sept. 2–Oct. 13 &	15	45
	Oct. 29–Nov. 17 &	15	45
	Dec. 17–Jan. 12	15	45
Wisconsin	Sept. 1–Nov. 29	15	45
CENTRAL MANAGEMENT UNIT			
Arkansas	Sept. 1–Oct. 28 &	15	45
	Dec. 15–Jan. 15	15	45
Colorado	Sept. 1–Nov. 29	15	45
Iowa	Sept. 1–Nov. 29	15	45
Kansas	Sept. 1–Nov. 29	15	45
Minnesota	Sept. 1–Nov. 29	15	45
Missouri	Sept. 1–Nov. 29	15	45
Montana	Sept. 1–Oct. 30	15	45
Nebraska	Sept. 1–Oct. 30	15	45
New Mexico:			
North Zone	Sept. 1–Nov. 29	15	45
South Zone	Sept. 1–Oct. 28 &	15	45
	Dec. 1–Jan. 1	15	45
North Dakota	Sept. 1–Nov. 29	15	45
Oklahoma	Sept. 1–Oct. 31 &	15	45
	Dec. 1–Dec. 29	15	45
South Dakota	Sept. 1–Nov. 9	15	45
Texas (2):			
North Zone	Sept. 1–Nov. 4 &	15	45
	Dec. 21–Jan. 14	15	45
Central Zone	Sept. 1–Nov. 4 &	15	45
	Dec. 21–Jan. 14	15	45
South Zone	Sept. 14–Oct. 30 &	15	45
	Dec. 14–Jan. 21	15	45
(Special Season)	Sept. 1–Sept. 2 &	15	45
12 noon to sunset	Sept. 8–Sept. 9	15	45
Wyoming	Sept. 1–Nov. 29	15	45
WESTERN MANAGEMENT UNIT			
Arizona (3)	Sept. 1–Sept. 15 &	15	45
	Nov. 23–Jan. 6	15	45
California (4)	Sept. 1–Sept. 15 &	15	45
	Nov. 10–Dec. 24	15	45
Idaho	Sept. 1–Oct. 30	15	45
Nevada	Sept. 1–Oct. 30	15	45
Oregon	Sept. 1–Oct. 30	15	45
Utah	Sept. 1–Oct. 30	15	45
Washington	Sept. 1–Oct. 30	15	45
OTHER POPULATIONS			
Hawaii (5)	Nov. 4–Jan. 17	10	30

(1) In *Illinois,* shooting hours are sunrise to sunset.

(2) In *Texas,* the daily bag limit is 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be white-tipped doves with a maximum 90-day season. Possession limits are three times the daily bag limit. During the special season in the Special White-winged Dove Area of the South Zone, the daily bag limit is 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 2 may be mourning doves and 2 may be white-tipped doves. Possession limits are three times the daily bag limit.

(3) In *Arizona,* during September 1 through 15, the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 may be white-winged doves. During November 23 through January 6, the daily bag limit is 15 mourning doves.

(4) In *California,* the daily bag limit is 15 mourning and white-winged doves in the aggregate, of which no more than 10 may be white-wing doves.

(5) In *Hawaii,* the season is only open on the islands of Hawaii and Maui. On the island of Hawaii, the daily bag limit is 10 mourning doves, spotted doves, and chestnut-bellied sandgrouse in the aggregate. On the island of Maui, the daily bag limit is 10 mourning doves. Shooting hours are from one-half hour before sunrise through one-half hour after sunset. See State regulations for additional restrictions on hunting dates and areas.

(b) Band-tailed Pigeons

	Season dates	Limits	
		Bag	Possession
Arizona	Oct. 5–Oct. 18	2	6
California:			
North Zone	Sept. 15–Sept. 23	2	6
South Zone	Dec. 15–Dec. 23	2	6
Colorado (1)	Sept. 1–Sept. 14	2	6
New Mexico (1):			
North Zone	Sept. 1–Sept. 14	2	6
South Zone	Oct. 1–Oct. 14	2	6
Oregon	Sept. 15–Sept. 23	2	6
Utah (1)	Sept. 1–Sept. 14	2	6
Washington	Sept. 15–Sept. 23	2	6

(1) Each band-tailed pigeon hunter must have a band-tailed pigeon hunting permit issued by the State.

■ 5. Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

	Sora and Virginia Rails	Clapper and King Rails	Woodcock	Snipe
Daily bag limit	25 (1)	15 (2)	3	8.
Possession limit	75 (1)	45 (2)	9	24.
ATLANTIC FLYWAY				
Connecticut (3)	Sept. 1–Nov.12	Sept. 1–Nov. 12	Oct. 22–Nov. 17 & Nov. 19–Dec. 12.	Oct. 22–Nov. 17 & Nov. 19–Dec. 12.
Delaware	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Nov. 19–Nov. 24 & Dec. 15–Jan. 29.	Sept. 7–Nov. 24 & Dec. 15–Jan. 29.
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 18–Jan. 31	Nov. 1–Feb. 15.
Georgia	Sept. 21–Nov. 11 & Nov. 22–Dec. 9.	Sept. 21–Nov. 11 & Nov. 22–Dec. 9.	Dec. 8–Jan. 21	Nov. 15–Feb. 28.
Maine (4)	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 21	Sept. 1–Dec. 15.
Maryland (5)	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Oct. 24–Nov. 23 & Jan. 7–Jan. 26.	Sept. 29–Jan. 31.
Massachusetts (6)	Sept. 1–Nov. 7	Closed	Oct. 4–Nov. 24	Sept. 1–Dec. 16.
New Hampshire	Closed	Closed	Oct. 1–Nov. 14	Sept. 15–Nov. 14.
New Jersey (7):				
North Zone	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Oct. 20–Nov. 3 & Nov. 6 Dec. 1.	Sept. 15–Jan. 17.
South Zone	Sept. 1–Nov. 21	Sept. 1–Nov. 21	Nov. 10–Dec. 1 & Dec. 13–Jan. 1.	Sept. 15–Jan. 17.
New York (8)	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 14	Sept. 1–Nov. 9.
North Carolina	Sept. 1–Oct. 13 & Oct. 22–Nov. 28.	Sept. 1–Oct. 13 & Oct. 22–Nov. 28.	Dec. 8–Jan. 29	Oct. 27–Feb. 28.
Pennsylvania (9)	Sept. 1–Nov. 21	Closed	Oct. 13–Nov. 24 & Dec. 10–Dec. 18.	Oct. 13–Nov. 24 & Dec. 10–Dec. 18.
Rhode Island (10)	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 20–Dec. 3	Sept. 1–Nov. 9.
South Carolina	Oct. 5–Oct. 10 & Nov. 5–Jan. 7.	Oct. 5–Oct. 10 & Nov. 5–Jan. 7.	Dec. 18–Jan. 31	Nov. 14–Feb. 28.
Vermont	Closed	Closed	Oct. 1–Nov. 14	Oct. 1–Nov. 14.
Virginia	Sept. 8–Nov. 16	Sept. 8–Nov. 16	Oct. 27–Nov. 2 & Dec. 8–Jan. 14.	Oct. 5–Oct. 8 & Oct. 21–Jan. 31.
West Virginia (11)	Sept. 1–Nov. 9	Closed	Oct. 13–Nov. 17 & Nov. 26–Dec. 4.	Sept. 1–Dec. 16.
MISSISSIPPI FLYWAY				
Alabama	Sept. 8–Sept. 23 & Nov. 23–Jan. 15.	Sept. 8–Sept. 23 & Nov. 23–Jan. 15.	Dec. 14–Jan. 27	Nov. 10–Feb. 24.

	Sora and Virginia Rails	Clapper and King Rails	Woodcock	Snipe
Arkansas	Sept. 8–Nov. 16	Closed	Nov. 3–Dec. 17	Nov. 1–Feb. 15.
Illinois (12)	Sept. 8–Nov. 16	Closed	Oct. 20–Dec. 3	Sept. 8–Dec. 23.
Indiana (13)	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 28	Sept. 1–Dec. 16.
Iowa (14)	Sept. 1–Nov. 9	Closed	Oct. 6–Nov. 19	Sept. 1–Nov. 30.
Kentucky	Sept. 1–Nov. 9	Closed	Oct. 27–Nov. 9 & Nov. 12–Dec. 12.	Sept. 19–Oct. 28 & Nov. 22–Jan. 27.
Louisiana	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Sept. 15–Sept. 30 & Nov. 10–Jan. 2.	Dec. 18–Jan. 31	Nov. 2–Dec. 2 & Dec. 15–Feb. 28.
Michigan	Sept. 1–Nov. 9	Closed	Sept. 22–Nov. 5	Sept. 1–Nov. 9.
Minnesota	Sept. 1–Nov. 5	Closed	Sept. 22–Nov. 5	Sept. 1–Nov. 5.
Mississippi	Sept. 1–Sept. 30 & Nov. 23–Jan. 1.	Sept. 1–Sept. 30 & Nov. 23–Jan. 1.	Dec. 18–Jan. 31	Nov. 14–Feb. 28.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 15–Nov. 28	Sept. 1–Dec. 16.
Ohio	Sept. 1–Nov. 9	Closed	Oct. 12–Nov. 25	Sept. 1–Nov. 25 & Dec. 15–Jan. 4.
Tennessee:				
Reelfoot Zone	Sept. 1–Nov. 9	Closed	Nov. 10–Dec. 24	Nov. 14–Feb. 28.
State Zone	Sept. 1–Nov. 9	Closed	Nov. 10–Dec. 24	Nov. 14–Feb. 28.
Wisconsin:				
North Zone	Sept. 29–Nov. 27	Closed	Sept. 22–Nov. 5	Sept. 29–Nov. 27.
South Zone	Sept. 29–Oct. 7 & Oct. 13–Dec. 2.	Closed	Sept. 22–Nov. 5	Sept. 29–Oct. 7 & Oct. 13–Dec. 2.
Miss. River River	Sept. 29–Oct. 5 & Oct. 13–Dec. 4.	Closed	Sept. 22–Nov. 5	Sept. 29–Oct. 5 & Oct. 13–Dec. 4.
CENTRAL FLYWAY				
Colorado	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
Kansas	Sept. 1–Nov. 9	Closed	Oct. 13–Nov. 26	Sept. 1–Dec. 16.
Montana	Closed	Closed	Closed	Sept. 1–Dec. 16.
Nebraska (15)	Sept. 1–Nov. 9	Closed	Sept. 22–Nov. 5	Sept. 1–Dec. 16.
New Mexico (16)	Sept. 15–Nov. 23	Closed	Closed	Oct. 13–Jan. 27.
North Dakota	Closed	Closed	Sept. 22–Nov. 5	Sept. 15–Dec. 2.
Oklahoma	Sept. 1–Nov. 9	Closed	Nov. 1–Dec. 15	Oct. 1–Jan. 15.
South Dakota (17)	Closed	Closed	Closed	Sept. 1–Oct. 31.
Texas	Sept. 15–Sept. 30 & Nov. 3–Dec. 26.	Sept. 15–Sept. 30 & Nov. 3–Dec. 26.	Dec. 18–Jan. 31	Oct. 27–Feb. 10.
Wyoming	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
PACIFIC FLYWAY				
Arizona (18):				
North Zone	Closed	Closed	Closed	Oct. 5–Jan. 13.
South Zone	Closed	Closed	Closed	Oct. 19–Jan. 27.
California	Closed	Closed	Closed	Oct. 20–Feb. 3.
Colorado	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.
Idaho:				
Zone 1	Closed	Closed	Closed	Oct. 6–Jan. 18.
Zone 2	Closed	Closed	Closed	Oct. 6–Jan. 18.
Zone 3	Closed	Closed	Closed	Oct. 13–Jan. 25.
Zone 4	Closed	Closed	Closed	Oct. 6–Jan. 18.
Montana	Closed	Closed	Closed	Sept. 1–Dec. 16.
Nevada:				
Northeast Zone	Closed	Closed	Closed	Sept. 22–Oct. 21 & Oct. 24–Jan. 6.
Northwest Zone	Closed	Closed	Closed	Oct. 6–Oct. 21 & Oct. 24–Jan. 20.
South Zone (19)	Closed	Closed	Closed	Oct. 13–Oct. 21 & Oct. 24–Jan. 27.
New Mexico	Sept. 15–Nov. 23	Closed	Closed	Oct. 15–Jan. 29.
Oregon:				
Zone 1	Closed	Closed	Closed	Nov. 3–Feb. 17.
Zone 2	Closed	Closed	Closed	Oct. 6–Nov. 25 & Nov. 28–Jan. 20.
Utah				
Zone 1	Closed	Closed	Closed	Oct. 6–Jan. 19.
Zone 2	Closed	Closed	Closed	Oct. 13–Jan. 26.
Washington:				
East Zone	Closed	Closed	Closed	Oct. 13–Oct. 31 & Nov. 3–Jan. 27.
West Zone	Closed	Closed	Closed	Oct. 13–Oct. 31 & Nov. 3–Jan. 27.
Wyoming	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 16.

(1) The daily bag and possession limits for sora and Virginia rails apply singly or in the aggregate of the two species.

(2) All daily bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In *Delaware, Maryland,* and *New Jersey,* the limits for clapper and king rails are 10 daily and 30 in possession.

(3) In *Connecticut,* the limits for clapper and king rails apply singly or in the aggregate of the two species. Limits for clapper and king rail are 10 daily and 30 in possession and may include no more than 1 king rail per day.
(4) In *Maine,* the daily bag and possession limit for sora and Virginia rails is 25.
(5) In *Maryland,* no more than 1 king rail may be taken per day.
(6) In *Massachusetts,* the sora rail limits are 5 daily and 15 in possession; the Virginia rail limits are 10 daily and 30 in possession.
(7) In *New Jersey,* the season for king rail is closed by State regulation.
(8) In *New York,* the rail daily bag and possession limits are 8 and 24, respectively. Seasons for sora and Virginia rails and snipe are closed on Long Island.
(9) In *Pennsylvania,* the daily bag and possession limits for sora and Virginia rails, singly or in the aggregate, are 3 and 9, respectively.
(10) In *Rhode Island,* the sora and Virginia rails limits are 3 daily and 9 in possession, singly or in the aggregate; the clapper and king rail limits are 1 daily and 3 in possession, singly or in the aggregate; the snipe limits are 5 daily and 15 in possession.
(11) In *West Virginia,* the daily bag and possession limit for sora and Virginia rails is 25; the possession limit for snipe is 16.
(12) In *Illinois,* shooting hours are from sunrise to sunset.
(13) In *Indiana,* the season on Virginia rails is closed.
(14) In *Iowa,* the limits for sora and Virginia rails are 12 daily and 36 in possession.
(15) In *Nebraska,* the rail limits are 10 daily and 30 in possession.
(16) In *New Mexico,* in the Central Flyway portion of the State, the rail limits are 10 daily and 20 in possession.
(17) In *South Dakota,* the snipe limits are 5 daily and 15 in possession.
(18) In *Arizona,* Ashurst Lake in Unit 5B is closed to snipe hunting.
(19) In *Nevada,* the snipe season in that portion of the South Zone including the Moapa Valley to the confluence of the Muddy and Virgin rivers is only open October 27 through January 27.

■ 6. Section 20.105 is revised to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) Common Moorhens and Purple Gallinules

	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Delaware	Sept. 1–Nov. 21	15	45
Florida (1)	Sept. 1–Nov.9	15	45
Georgia	Nov. 17–Nov. 25 &	15	45
	Dec. 8–Jan. 27	15	45
New Jersey	Sept. 1–Nov. 21	10	30
New York:			
Long Island	Closed		
Remainder of State	Sept. 1–Nov. 9	8	24
North Carolina	Sept. 1–Oct. 13 &	15	45
	Oct. 22–Nov. 28	15	45
Pennsylvania	Sept. 1–Nov. 21	3	9
South Carolina	Oct. 5–Oct. 10 &	15	45
	Nov. 5–Jan. 7	15	45
Virginia	Sept. 8–Nov. 16	15	45
West Virginia	Oct. 1–Oct. 13 &	15	30
	Dec. 1–Jan. 26	15	30
MISSISSIPPI FLYWAY			
Alabama	Sept. 8–Sept. 23 &	15	45
	Nov. 23–Jan. 15	15	45
Arkansas	Sept. 1–Nov. 9	15	45
Kentucky	Sept. 1–Nov. 9	3	9
Louisiana	Sept. 15–Sept. 30 &	15	45
	Nov. 10–Jan. 2	15	45
Michigan	Sept. 1–Nov. 9	1	3
Minnesota (2):			
North Zone	Sept. 22–Nov. 20	15	45
Central Zone	Sept. 22–Sept. 30 &	15	45
	Oct. 6–Nov. 25	15	45
South Zone	Sept. 22–Sept. 30 &	15	45
	Oct. 13–Dec. 2	15	45
Mississippi	Sept. 1–Sept. 30 &	15	45
	Nov. 23–Jan. 1	15	45
Ohio	Sept. 1–Nov. 9	15	45
Tennessee:	Sept. 1–Nov. 9	15	45
Wisconsin:			
North Zone	Sept. 29–Nov. 27	15	30
South Zone	Sept. 29–Oct. 7 &	15	30
	Oct. 13–Dec. 2	15	30
Mississippi River Zone	Sept. 29–Oct. 5 &	15	30
	Oct. 13–Dec. 4	15	30
CENTRAL FLYWAY			

	Season dates	Limits	
		Bag	Possession
New Mexico:			
Zone 1	Sept. 15–Nov. 23	1	3
Zone 2	Sept. 15–Nov. 23	1	3
Oklahoma	Sept. 1–Nov. 9	15	45
Texas	Sept. 15–Sept. 30 &	15	45
	Nov. 3–Dec. 26	15	45
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e).		

(1) The season applies to common moorhens only.
(2) In *Minnesota,* the daily bag limit is 15 and the possession limit is 45 coots and moorhens in the aggregate.

(b) Special Sea Duck Seasons (Scoters, Eiders, and Long-Tailed Ducks in Atlantic Flyway)

Within the special sea duck areas, the daily bag limit is 5 scoters, eiders, and long-tailed ducks in the aggregate, including no more than 4 scoters, 4 eiders, and 4 long-tailed ducks. Possession limits are three times the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season dates	Limits	
		Bag	Possession
Connecticut	Nov. 12–Jan. 19	5	15
Delaware	Nov. 19–Jan. 26	5	15
Georgia	Nov. 17–Nov. 25 &	5	15
	Dec. 8–Jan. 27	5	15
Maine	Nov. 12–Jan. 19	5	15
Maryland	Nov. 3–Jan. 11	5	15
Massachusetts (1)	Nov. 19–Jan. 26	5	15
New Hampshire	Nov. 15–Jan. 13	5	15
New Jersey	Nov. 3–Jan. 11	5	15
North Carolina	Nov. 19–Jan. 26	5	15
Rhode Island	Nov. 22–Jan. 20	5	15
South Carolina	Nov. 17–Nov. 24 &	5	15
	Dec. 8–Jan. 27	5	15
Virginia	Nov. 10–Jan. 8	5	15

Note: Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in *Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina,* and *Virginia* in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(1) In *Massachusetts,* the daily bag limit may not include more than 1 hen eider. Possession limits are three times the daily bag limit.

(c) Early (September) Duck Seasons.

Note: Unless otherwise specified, the seasons listed below are for teal only.

	Season dates	Limits	
		Bag	Possession
			Bag
ATLANTIC FLYWAY			
Delaware (1)	Sept. 12–Sept. 29	6	18
Florida (2)	Sept. 22–Sept. 30	6	18
Georgia	Sept. 8–Sept. 23	6	18
Maryland (1)	Sept. 17–Sept. 29	6	18
North Carolina (1)	Sept. 12–Sept. 29	6	18
South Carolina (3)	Sept. 15–Sept. 30	6	18
Virginia (1)	Sept. 17–Sept. 30	6	18
MISSISSIPPI FLYWAY			
Alabama	Sept. 8–Sept. 23	6	18
Arkansas (3)	Sept. 15–Sept. 30	6	18
Illinois (3)	Sept. 8–Sept. 23	6	18
Indiana (3)	Sept. 8–Sept. 23	6	18
Iowa (3):	Sept. 1–Sept. 16	6	18
Kentucky (2)	Sept. 15-Sept. 23	6	18

	Season dates	Limits	
		Bag	Possession
Louisiana	Sept. 15–Sept. 30	6	18
Michigan	Sept. 1–Sept. 16	6	18
Mississippi	Sept. 15–Sept. 30	6	18
Missouri (3)	Sept. 8–Sept. 23	6	18
Ohio (3)	Sept. 1–Sept. 16	6	18
Tennessee (2)	Sept. 8-Sept. 16	6	18
Wisconsin	Sept.1–Sept. 7	6	18
CENTRAL FLYWAY			
Colorado (1)	Sept. 8–Sept. 16	6	18
Kansas:			
Low Plains	Sept. 8–Sept. 23	6	18
High Plains	Sept. 15–Sept. 23	6	18
Nebraska (1):			
Low Plains	Sept. 1–Sept. 16	6	18
High Plains	Sept. 1–Sept. 9	6	18
New Mexico	Sept. 15–Sept. 23	6	18
Oklahoma	Sept. 15–Sept. 30	6	18
Texas:			
High Plains	Sept. 15–Sept. 30	6	18
Rest of State	Sept. 15–Sept. 30	6	18

(1) Area restrictions. See State regulations.
(2) In *Florida, Kentucky,* and *Tennessee,* the daily bag limit for the first 5 days of the season is 6 wood ducks and teal in the aggregate, of which no more than 2 may be wood ducks. During the last 4 days of the season, the daily bag limit is 6 teal only. The possession limit is three times the daily bag limit.
(3) Shooting hours are from sunrise to sunset.

(d) Special Early Canada Goose Seasons

	Season dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Connecticut (1):			
North Zone	Sept. 1–Sept. 29	15	45
South Zone	Sept. 15–Sept. 29	15	45
Delaware	Sept. 1–Sept. 25	15	45
Florida	Sept. 1–Sept. 30	5	15
Georgia	Sept. 1–Sept. 30	5	15
Maine:			
Northern Zone	Sept. 1–Sept. 25	6	18
Southern Zone	Sept. 1–Sept. 25	10	30
Coastal Zone	Sept. 1–Sept. 25	10	30
Maryland (1)(2):			
Eastern Unit	Sept. 1–Sept. 15	8	24
Western Unit	Sept. 1–Sept. 25	8	24
Massachusetts:			
Central Zone	Sept. 4–Sept. 21	15	45
Coastal Zone	Sept. 4–Sept. 21	15	45
Western Zone	Sept. 4–Sept. 21	15	45
New Hampshire	Sept. 1–Sept. 25	5	15
New Jersey (1)(2)(3)	Sept. 1–Sept. 29	15	45
New York (4):			
Lake Champlain Zone	Sept. 1–Sept. 25	8	24
Northeastern Zone	Sept. 1–Sept. 25	15	45
East Central Zone	Sept. 1–Sept. 25	15	45
Hudson Valley Zone	Sept. 1–Sept. 25	15	45
West Central Zone	Sept. 1–Sept. 25	15	45
South Zone	Sept. 1–Sept. 25	15	45
Western Long Island Zone	Closed		
Central Long Island Zone	Sept. 4–Sept. 30	15	45
Eastern Long Island Zone	Sept. 4–Sept. 30	15	45
North Carolina (5)(6)	Sept. 1–Sept. 29	15	45
Pennsylvania (7):			
SJBP Zone (8)	Sept. 1–Sept. 25	1	3
Rest of State (9)	Sept. 1–Sept. 25	8	24
Rhode Island (1)	Sept. 1–Sept. 30	15	45
South Carolina	Sept. 1–Sept. 30	15	45
Vermont:			
Lake Champlain Zone	Sept. 1–Sept. 25	8	24
Interior Vermont Zone	Sept. 1–Sept. 25	8	24

	Season dates	Limits	
		Bag	Possession
Connecticut River Zone (10)	Sept. 1–Sept. 25	5	15
Virginia (11)	Sept. 1–Sept. 25	10	30
West Virginia	Sept. 1–Sept. 8	5	15
CENTRAL FLYWAY			
North Dakota:			
Missouri River Zone	Sept. 1–Sept. 7	15	45
Western ND Canada Goose Zone	Sept. 1–Sept. 15	15	45
Remainder of State	Sept. 1–Sept. 21	15	45
Oklahoma	Sept. 15–Sept. 24	8	24
South Dakota (12)	Sept. 1–Sept. 30	8	24
Texas			
East Zone	Sept. 15–Sept. 30	5	15
PACIFIC FLYWAY			
Colorado	Sept. 1–Sept. 9	4	12
Idaho			
Zone 4	Sept. 1–Sept. 15	5	15
Oregon:			
Northwest Permit Zone	Sept. 8–Sept. 16	5	15
Southwest Zone	Sept. 8–Sept. 12	5	15
Eastern Zone	Sept. 8–Sept. 12	5	15
Klamath County Zone	Sept. 8–Sept. 12	5	15
Harney and Lake County Zone	Sept. 8–Sept. 12	5	15
Malheur County Zone	Sept. 8–Sept. 12	5	15
Washington:			
Areas 1 & 3	Sept. 8–Sept. 13	5	15
Areas 2 Inland & 2 Coast (13)	Sept. 1–Sept. 9	5	15
Area 4 & 5	Sept. 8–Sept. 9	5	10
Wyoming:			
Teton County Zone	Sept. 1–Sept. 8	4	12
Balance of State Zone	Sept. 1–Sept. 8	4	12

(1) Shooting hours are one-half hour before sunrise to one-half hour after sunset.
(2) The use of shotguns capable of holding more than 3 shotshells is allowed.
(3) The use of electronic calls is allowed.
(4) In *New York,* shooting hours are one-half hour before sunrise to one-half hour after sunset, the use of shotguns capable of holding more than 3 shotshells is allowed, and the use of electronic calls is allowed, except during Youth Waterfowl Hunting Days in Lake Champlain, Northeastern, and Southeastern Goose Hunting Areas. During the designated Youth Waterfolw Hunting Days in these areas, shooting hours are one-half hour before sunrise to sunset, shotguns must be capable of holding no more than 3 shotshells, and electronic calls are not allowed. See State regulations for further details.
(5) In *North Carolina,* the use of unplugged guns and electronic calls is allowed in that area west of U.S. Highway 17 only.
(6) In *North Carolina,* shooting hours are one-half hour before sunrise to one-half hour after sunset in that area west of U.S. Highway 17 only.
(7) In *Pennsylvania,* shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 14 and September 17 to September 25. On September 15, shooting hours are one-half hour before sunrise to sunset.
(8) In *Pennsylvania,* in the area south of SR 198 from the Ohio State line to intersection of SR 18, SR 18 south to SR 618, SR 618 south to U.S. Route 6, U.S. Route 6 east to U.S. Route 322/SR 18, U.S. Route 322/SR 18 west to intersection of SR 3013, SR 3013 south to the Crawford/Mercer County line, the season dates are September 1 to September 15. The daily bag limit is 1 goose with a possession limit of 3 geese. The season is closed on State Game Lands 214. However, during youth waterfowl hunting days, regular season regulations apply.
(9) In *Pennsylvania,* in the area of Lancaster and Lebanon Counties north of the Pennsylvania Turnpike, east of SR 501 to SR 419, south of SR 419 to the Lebanon-Berks County line, west of the Lebanon-Berks County line and the Lancaster-Berks County line to SR 1053, west of SR 1053 to the Pennsylvania Turnpike I–76, the daily bag limit is 1 goose with a possession limit of 3 geese. On State Game Lands No. 46 (Middle Creek Wildlife Management Area), the season is closed. However, during youth waterfowl hunting days, regular season regulations apply.
(10) In *Vermont,* the season in the Connecticut River Zone is the same as the New Hampshire Inland Zone season, set by New Hampshire.
(11) In *Virginia,* shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 16 in the area east of I–95. Shooting hours are one-half hour before sunrise to one-half hour after sunset from September 1 to September 20 in the area west of I–95.
(12) See State regulations for additional information and restrictions.
(13) In *Washington,* in Pacific County, the daily bag and possession limits are 15 and 45 Canada geese, respectively.

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens

Definitions

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross's geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other geese except light geese.

Atlantic Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 female mallards), 2 scaup, 2 black ducks, 2 pintails, 2 canvasbacks, 1 mottled duck, 3 wood ducks, 2 redheads, 4 scoters, 4 eiders, 4 long-tailed ducks, and 1 fulvous tree duck. The possession limit is three times the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit is 5 mergansers and may include no more than 2 hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 may be hooded mergansers. The possession limit is three times the daily bag limit.

	Season dates	Limits	
		Bag	Possession
Connecticut:			
Ducks and Mergansers		6	18
North Zone	Oct. 6–Oct. 13 & Nov. 10–Jan. 10		
South Zone	Oct. 13–Oct. 17 & Nov. 16–Jan. 19		
Coots	Same as for Ducks	15	45
Canada Geese:			
AFRP Unit North	Oct. 6–Oct. 13 &	5	15
	Nov. 10–Dec. 1 &	5	15
	Dec. 15–Feb. 15	5	15
AFRP Unit South	Oct. 6–Oct. 13 &	5	15
	Nov. 10–Dec. 1 &	5	15
	Dec. 15–Feb. 15	5	15
NAP H-Unit North	Oct. 13–Oct. 20 &	2	6
	Nov. 10–Jan. 10	2	6
NAP H-Unit South	Oct. 13–Oct. 20 &	2	6
	Nov. 10–Jan. 10	2	6
AP Unit	Oct. 13–Oct. 20 &	3	9
	Nov. 24–Jan. 12	3	9
Special Season	Jan. 15–Feb. 15	5	15
Light Geese:			
North Zone	Oct. 1–Jan. 14 &	25	
	Feb. 21–Mar. 9	25	
South Zone	Oct. 1–Dec. 1 &	25	
	Feb. 21–Mar. 9	25	
Brant:			
North Zone	Nov. 2–Jan. 10	2	6
South Zone	Nov. 12–Jan. 19	2	6
Delaware:			
Ducks	Oct. 26–Nov. 6 &	6	18
	Nov. 19–Nov. 24 &	6	18
	Dec. 7–Jan. 26	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Nov. 19–Nov. 24 &	2	6
	Dec. 14–Feb. 2	2	6
Light Geese (1)	Oct. 3–Feb. 2 &	25	
	Feb. 9 only	25	
Brant	Nov. 19–Nov. 24 &	2	6
	Dec. 1–Jan. 31	2	6
Florida:			
Ducks	Nov. 17–Nov. 25 &	6	18
	Dec. 8–Jan. 27	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Nov. 17–Nov. 25 &	5	15
	Dec. 1–Jan. 30	5	15
Light Geese	Same as for Ducks	15	
Georgia:			
Ducks	Nov. 17–Nov. 25 &	6	18
	Dec. 8–Jan. 27	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Oct. 13–Oct. 27 &	5	15
	Nov. 17–Nov. 25 &	5	15
	Dec. 8–Jan. 27	5	15
Light Geese	Oct. 13–Oct. 28 &	5	15
	Nov. 17–Nov. 25 &	5	15
	Dec. 8–Jan. 27	5	15

	Season dates	Limits	
		Bag	Possession
Brant	Closed		
Maine:			
Ducks: (2)		6	18
North Zone	Sept. 24–Dec. 1		
South Zone	Oct. 1–Oct. 13 & Nov. 1–Dec. 26		
Coastal Zone	Oct. 1–Oct. 13 & Nov. 12–Jan. 5		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	5	15
Canada Geese:			
North Zone	Oct. 1–Dec. 8	2	6
South Zone	Oct. 1–Oct. 13 &	2	6
	Nov. 1–Dec. 26	2	6
Coastal Zone	Oct. 1–Oct. 13 &	2	6
	Nov. 12–Jan. 5	2	6
Light Geese	Oct. 1–Jan. 31	25	
Brant:			
North Zone	Sept. 24–Dec. 1	2	6
South Zone	Oct. 1–Oct. 13 &	2	6
	Nov. 1–Dec. 26	2	6
Coastal Zone	Oct. 1–Oct. 13 &	2	6
	Nov. 12–Jan. 5	2	6
Maryland:			
Ducks and Mergansers (3)	Oct. 13–Oct. 20 &	6	18
	Nov. 10–Nov. 23 &	6	18
	Dec. 11–Jan. 26	6	18
Coots	Same as for Ducks	15	45
Canada Geese:			
RP Zone	Nov. 17–Nov. 23 &	5	15
	Dec. 14–Mar. 9	5	15
AP Zone	Nov. 17–Nov. 23 &	2	6
	Dec. 14–Feb. 2	2	6
Light Geese	Oct. 1–Nov. 23 &	25	
	Dec. 10–Feb. 2	25	
	Feb. 9 only	25	
Brant	Nov. 8–Nov. 23 &	2	6
	Dec. 10–Jan. 31	2	6
Massachusetts:			
Ducks: (4)		6	18
Western Zone	Oct. 8–Nov. 24 & Dec. 3–Dec. 22		
Central Zone	Oct. 9–Nov. 24 & Dec. 11–Jan. 1		
Coastal Zone	Oct. 12–Oct. 20 & Nov. 12–Jan. 10		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
NAP Zone:			
Central Zone	Oct. 9–Nov. 24 &	2	6
	Dec. 11–Jan. 1	2	6
(Special season)	Jan. 15–Feb. 15	5	15
Coastal Zone	Oct. 12–Oct. 20 &	2	6
	Nov. 12–Jan. 10	2	6
(Special season) (5)	Jan. 15–Feb. 15	5	15
AP Zone	Oct. 10–Nov. 24 &	3	9
	Dec. 3–Dec. 13	3	9
Light Geese:			
Western Zone	Oct. 10–Nov. 24 &	15	45
	Dec. 3–Dec. 22	15	45
Central Zone	Oct. 9–Nov. 24 &	15	45
	Dec. 11–Jan. 1 &	15	45
	Jan. 15–Feb. 15	15	45
Coastal Zone (5)	Oct. 12–Oct. 20 &	15	45
	Nov. 12–Jan. 10 &	15	45
	Jan. 15–Feb. 15	15	45
Brant:			
Western & Central Zone	Closed		
Coastal Zone	Nov. 19–Jan. 26	2	6
New Hampshire:			
Ducks		6	18
Northern Zone	Oct. 2–Nov. 30		
Inland Zone	Oct. 2–Nov. 4 & Nov. 21–Dec. 16		
Coastal Zone	Oct. 3–Oct. 14 & Nov. 21–Jan. 7		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45

	Season dates	Limits	
		Bag	Possession
Canada Geese:			
Northern Zone	Oct. 2–Nov. 30	2	6
Inland Zone	Oct. 2–Nov. 4 &	2	6
	Nov. 21–Dec. 16	2	6
Coastal Zone	Oct. 3–Oct. 14 &	2	6
	Nov. 21–Jan. 7	2	6
Light Geese:			
Northern Zone	Oct. 2–Nov. 30	25	
Inland Zone	Oct. 2–Dec. 16	25	
Coastal Zone	Oct. 3–Jan. 7	25	
Brant:			
Northern Zone	Oct. 2–Nov. 30	2	6
Inland Zone	Oct. 2–Nov. 4 &	2	6
	Nov. 21–Dec. 16	2	6
Coastal Zone	Oct. 3–Oct. 14 &	2	6
	Nov. 21–Jan. 7	2	6
New Jersey:			
Ducks		6	18
North Zone	Oct. 13–Oct. 20 & Nov. 10–Jan. 10		
South Zone	Oct. 20–Oct. 27 & Nov. 17–Jan. 17		
Coastal Zone	Nov. 10–Nov. 13 & Nov. 22–Jan. 26		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and White-fronted Geese:			
North Zone	Nov. 10–Nov. 24 &	3	9
	Dec. 8–Jan. 19	3	9
South Zone	Nov. 17–Dec. 1 &	3	9
	Dec. 8–Jan. 19	3	9
Coastal Zone	Nov. 10–Nov. 13 &	5	15
	Nov. 19–Feb. 15	5	15
Special Season Zone	Jan. 21–Feb. 15	5	15
Light Geese:			
North Zone	Oct. 17–Feb. 15	25	
South Zone	Oct. 17–Feb. 15	25	
Coastal Zone	Oct. 17–Feb. 15	25	
Brant:			
North Zone	Oct. 13–Oct. 20 &	2	6
	Nov. 10–Jan. 10	2	6
South Zone	Oct. 20–Oct. 27 &	2	6
	Nov. 17–Jan. 17	2	6
Coastal Zone	Nov. 10–Nov. 13 &	2	6
	Nov. 22–Jan. 26	2	6
New York:			
Ducks and Mergansers		6	18
Long Island Zone	Nov. 22–Nov. 23 & Dec. 1–Jan. 27		
Lake Champlain Zone	Oct. 13–Oct. 21 & Nov. 10–Dec. 30		
Northeastern Zone	Oct. 6–Oct. 28 & Nov. 3–Dec. 9		
Southeastern Zone	Oct. 6–Oct. 14 & Nov. 10–Dec. 30		
Western Zone	Oct. 27–Dec. 8 & Dec. 26–Jan. 11		
Coots	Same as for Ducks	15	45
Canada Geese:			
Western Long Island (AFRP)	Oct. 13–Oct. 28 &	8	24
	Nov. 22–Nov. 23 &	8	24
	Dec. 1–Feb. 25	8	24
Central Long Island (NAP–L)	Nov. 22–Nov. 23 &	3	9
	Dec. 5–Feb. 10	3	9
Eastern Long Island (NAP–H)	Nov. 22–Nov. 23 &	2	6
	Dec. 5–Jan. 31	2	6
Lake Champlain (AP) Zone	Oct. 13–Dec. 1	3	9
Northeast (AP) Zone	Oct. 27–Dec. 9 &	3	9
	Dec. 26–Dec. 31	3	9
East Central (AP) Zone	Oct. 27–Nov. 16 &	3	9
	Nov. 24–Dec. 22	3	9
Hudson Valley (AP) Zone	Oct. 27–Nov. 11 &	3	9
	Dec. 4–Jan. 6	3	9
West Central (AP) Zone	Oct. 27–Nov. 26 &	3	9
	Dec. 26–Jan. 13	3	9
South (AFRP)	Oct. 27–Nov. 14 &	5	15
	Nov. 24–Jan. 13 &	5	15
	Mar. 1–Mar. 10	5	15
Light Geese: (6)			
Long Island Zone	Nov. 22–Mar. 8	25	

	Season dates	Limits	
		Bag	Possession
Lake Champlain Zone	Oct. 1–Dec. 31	25	
Northeastern Zone	Oct. 1–Jan. 15	25	
Southeastern Zone	Oct. 1–Jan. 15	25	
Western Zone	Oct. 1–Jan. 15	25	
Brant:			
Long Island Zone	Nov. 22–Nov. 23 &	2	6
	Dec. 1–Jan. 27	2	6
Lake Champlain Zone	Oct. 6–Dec. 4	2	6
Northeastern Zone	Oct. 6–Dec. 4	2	6
Southeastern Zone	Oct. 6–Dec. 4	2	6
Western Zone	Oct. 6–Dec. 4	2	6
North Carolina:			
Ducks (7)	Oct. 3–Oct. 6 &	6	18
	Nov. 10–Dec. 1 &	6	18
	Dec. 15–Jan. 26	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
RP Hunt Zone	Oct. 3–Oct. 13 &	5	15
	Nov. 10–Dec. 1 &	5	15
	Dec. 15–Feb. 9	5	15
Northeast Hunt Zone (8)	Jan. 11–Jan. 26	1	3
Light Geese	Oct. 9–Feb. 9	25	
Brant	Dec. 15–Jan. 26	1	3
Pennsylvania:			
Ducks:		6	18
North Zone	Oct. 6–Nov. 17 & Dec. 18–Jan. 12		
South Zone	Oct. 13–Oct. 20 & Nov. 20–Jan. 19		
Northwest Zone	Oct. 6–Dec. 8 Dec. 27–Jan. 1		
Lake Erie Zone	Oct. 29–Jan. 5		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
Eastern (AP) Zone	Nov. 15–Nov. 24 &	3	9
	Dec. 15–Jan. 31	3	9
SJBP Zone	Oct. 6–Nov. 24 &	3	9
	Dec. 11–Jan. 19	3	9
Resident (RP) Zone	Oct. 27–Nov. 24 &	5	15
	Dec. 17–Jan. 19 &	5	15
	Jan. 26–Feb. 23	5	15
Light Geese:.			
Eastern (AP) Zone	Oct. 1–Jan. 31	25	
SJBP Zone	Oct. 1–Jan. 19	25	
Resident (RP) Zone	Oct. 23–Feb. 23	25	
Brant	Oct. 13–Dec. 21	2	6
Rhode Island:			
Ducks	Oct. 12–Oct. 15 &	6	18
	Nov. 21–Nov. 25 &	6	18
	Dec. 1–Jan. 20	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Nov. 17–Nov. 25 &	2	6
	Dec. 1–Jan. 20	2	6
Special season	Jan. 26–Feb. 9	5	15
Light Geese	Oct. 6–Jan. 20	25	
Brant	Nov. 22–Jan. 20	2	6
South Carolina:			
Ducks (9) (10)	Nov. 10 &	6	18
	Nov. 17–Nov. 24 &	6	18
	Dec. 8–Jan. 27	6	18
Mergansers (11)	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada and White-fronted Geese (12) (13)	Nov. 17–Nov. 24 &	5	15
	Dec. 8–Jan. 27 &	5	15
	Feb. 13–Feb. 28	5	15
Light Geese	Nov. 17–Nov. 24 &	25	
	Dec. 8–Jan. 27 &	25	
	Feb. 13–Feb. 28	25	
Brant	Nov. 17–Nov. 24 &	2	6
	Dec. 8–Jan. 27	2	6
Vermont:			
Ducks		6	18

	Season dates	Limits	
		Bag	Possession
Lake Champlain Zone	Oct. 13–Oct 21 & Nov. 10–Dec. 30		
Interior Zone	Oct. 13–Dec. 11		
Connecticut River Zone	Oct. 2–Nov. 4 & Nov. 21–Dec. 16		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
Lake Champlain Zone	Oct. 13–Dec. 1	3	9
Interior Zone	Oct. 13–Dec 1	3	9
Connecticut River Zone	Oct. 2–Nov. 4 &	2	6
	Nov. 21–Dec. 16	2	6
Light Geese:			
Lake Champlain Zone	Oct. 1–Dec. 31 &	25	
	Feb. 26–Mar. 10	25	
Interior Zone	Oct. 1–Dec. 31 &	25	
	Feb. 26–Mar. 10	25	
Connecticut River Zone	Oct. 2–Dec. 16	25	
Brant:			
Lake Champlain Zone	Oct. 6–Dec. 4	2	6
Interior Zone	Oct. 6–Dec. 4	2	6
Connecticut River Zone	Oct. 2–Nov. 4 &	2	6
	Nov. 21–Dec. 16	2	6
Virginia:			
Ducks (14)	Oct. 5–Oct. 8 &	6	18
	Nov. 21–Dec. 2 &	6	18
	Dec. 15–Jan. 27	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
Eastern (AP) Zone	Nov. 21–Dec. 2 &	2	6
	Dec. 21–Jan. 27	2	6
Western (SJBP) Zone	Nov. 21–Dec. 2 &	3	9
	Dec. 18–Jan. 14 &	3	9
(Special season)	Jan. 15–Feb. 15	5	15
Western (RP) Zone	Nov. 21–Dec. 2 &	5	15
	Dec. 15–Feb. 20	5	15
Light Geese	Oct. 17–Jan. 31	25	
Brant	Nov. 21–Dec. 2 &	2	6
	Dec. 15–Jan. 31	2	6
West Virginia:			
Ducks (15)	Oct. 1–Oct. 13 &	6	18
	Nov. 5–Nov. 10 &	6	18
	Dec. 17–Jan. 26	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	30
Canada Geese	Oct. 1–Oct. 20 &	5	15
	Nov. 5–Nov. 10 &	5	15
	Dec. 4–Jan. 26	5	15
Light Geese	Oct. 1–Oct. 20 &	5	15
	Nov. 5–Nov. 10 &	5	15
	Dec. 4–Jan. 26	5	15
Brant	Nov. 28–Jan. 26	1	3

(1) In *Delaware,* the Bombay Hook National Wildlife Refuge (NWR) snow goose season is open Mondays, Wednesdays, and Fridays only.

(2) In *Maine,* the daily bag limit may include no more than 4 of any species, with no more than 12 of any one species in possession. The season for Barrow's goldeneye is closed.

(3) In *Maryland,* the black duck season is closed October 13 through October 20. Additionally, the daily bag limit of 6 ducks may include no more than 5 sea ducks, of which no more than 4 may be scoters, eiders, or long-tailed ducks.

(4) In *Massachusetts,* the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.

(5) In *Massachusetts,* the January 15 to February 15 portion of the season in the Coastal Zone is restricted to that portion of the Coastal Zone north of the Cape Cod Canal.

(6) In *New York,* the use of electronic calls and shotguns capable of holding more than 3 shotshells are allowed for hunting of light geese on any day when all other waterfowl hunting seasons are closed.

(7) In *North Carolina,* the season is closed for black ducks October 3 through October 6 and November 10 through November 16.

(8) In *North Carolina,* a permit is required to hunt Canada geese in the Northeast Hunt Zone.

(9) In *South Carolina,* the daily bag limit of 6 may not exceed 1 black-bellied whistling duck or hooded merganser in the aggregate. Further, the black duck/mottled duck limit is as follows: (1) For areas east and south of Interstate 95, either 1 black or 1 mottled duck in the daily bag in the aggregate; (2) for areas west and north of Interstate 95, either 2 black ducks, or 1 black duck and 1 mottled duck in the daily bag.

(10) In *South Carolina,* on November 10, only hunters 17 years of age or younger can hunt ducks, coots, and mergansers. The youth must be accompanied by a person at least 21 years of age who is properly licensed, including State and Federal waterfowl stamps. Youth who are 16 or 17 years of age who hunt on this day are not required to have a State license or State waterfowl stamp but must possess a Federal waterfowl stamp and migratory bird permit.

(11) In *South Carolina,* the daily bag limit for mergansers may include no more than 1 hooded merganser.

(12) In *South Carolina,* the daily bag limit may include no more than 2 white-fronted geese.

(13) In *South Carolina,* the hunting area for Canada geese excludes that portion of Clarendon County bounded to the north by S–14–25; to the east by Hwy 260; and to the south by the markers delineating the channel of the Santee River. It also excludes that portion of Clarendon County bounded on the north by S–14–26 and extending southward to that portion of Orangeburg County bordered by Hwy 6.

(14) In *Virginia,* the season is closed for black ducks October 5 through October 8.

(15) In *West Virginia,* the season is closed for eiders, whistling ducks, and mottled ducks.

Mississippi Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 mottled duck, 2 black ducks, 2 pintails, 2 canvasbacks, 2 redheads, 3 scaup, and 3 wood ducks. The possession limit is three times the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers and may include no more than 2 hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 may be hooded mergansers. The possession limit is three times the daily bag limit.

	Season dates	Limits	
		Bag	Possession
Alabama:			
Ducks		6	18
North Zone	Nov. 23–Nov. 24 & Dec. 1–Jan. 27		
South Zone	Same as North Zone		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)(2)	Sept. 1–Sept 30 &	5	15
	Oct. 13–Oct. 27 &	5	15
	Nov. 23–Nov. 24 &	5	15
	Dec. 1–Jan. 27	5	15
Light Geese	Same as for Dark Geese	5	15
Arkansas:			
Ducks	Nov. 17–Nov. 25 &	6	18
	Dec. 6–Dec. 23 &	6	18
	Dec. 26–Jan. 27	6	18
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	5	10
Canada Geese	Sept. 1–Sept. 30 &	5	15
	Oct. 27–Oct. 29 &	3	9
	Nov. 17–Nov. 30 &	3	9
	Dec. 2–Jan. 27	3	9
White-fronted Geese	Oct. 27–Oct. 29 &	2	4
	Nov. 17–Nov. 30 &	2	4
	Dec. 2–Jan. 27	2	4
Brant	Closed		
Light Geese	Same as for White-fronted Geese	20	
Illinois:			
Ducks		6	18
North Zone	Oct. 20–Dec. 18		
Central Zone	Oct. 27–Dec. 25		
South Central Zone	Nov. 10–Jan. 8		
South Zone	Nov. 22–Jan. 20		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
North Zone	Sept. 1–Sept. 15 &	5	15
	Oct. 20–Jan. 17	2	6
Central Zone	Sept. 1–Sept. 15 &	5	15
	Oct. 27–Nov. 4 &	2	6
	Nov. 12–Jan. 31	2	6
South Central Zone	Sept. 1–Sept. 15 &	2	6
	Nov. 10–Jan. 31	2	6
South Zone	Sept. 1–Sept. 15 &	2	6
	Nov. 22–Jan. 31	2	6
White-fronted Geese:			
North Zone	Oct. 22–Jan. 17	2	6
Central Zone	Nov. 5–Jan. 31	2	6
South Central Zone	Nov. 10–Jan. 31	2	6
South Zone	Nov. 22–Jan. 31	2	6
Light Geese:			
North Zone	Oct. 20–Jan. 17	20	
Central Zone	Oct. 27–Jan. 31	20	
South Central Zone	Nov. 10–Jan. 31	20	
South Zone	Nov. 22–Jan. 31	20	
Brant	Same as for Light Geese	1	3
Indiana:			
Ducks		6	18

	Season dates	Limits	
		Bag	Possession
North Zone	Oct. 20–Dec. 9 & Dec. 22–Dec. 30		
Central Zone	Oct. 27–Nov. 4 & Nov. 24–Jan. 13		
South Zone	Nov. 3–Nov. 11 & Dec. 1–Jan. 20		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)(3):			
North Zone	Sept. 8–Sept. 16 &	5	15
	Oct. 20–Nov. 25 &	5	15
	Dec. 15–Feb. 10	5	15
Central Zone	Sept. 8–Sept. 16 &	5	15
	Oct. 27–Nov. 11 &	5	15
	Nov. 24–Feb. 10	5	15
South Zone	Sept. 8–Sept. 16 &	5	15
	Nov. 3–Nov. 25 &	5	15
	Dec. 1–Feb. 10	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	
Central Zone	Same as for Dark Geese	20	
South Zone	Same as for Dark Geese	20	
Iowa:			
Ducks		6	18
North Zone	Sept. 29–Oct. 5 & Oct. 13–Dec. 4		
Missouri River Zone	Oct. 13–Oct. 19 & Oct. 27–Dec 18		
South Zone	Oct. 6–Oct. 12 & Oct. 20–Dec 11		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1):			
Cedar Falls/Waterloo	Sept. 1–Sept. 9	5	15
Des Moines	Sept. 1–Sept. 9	5	15
Cedar Rapids/Iowa City	Sept. 1–Sept. 9	5	15
North Zone (4)	Sept. 22–Oct. 7 &	5	15
	Oct. 13–Dec. 4 &	5	15
	Dec. 15–Jan. 12	5	15
Missouri River Zone (4)	Oct. 6–Oct. 21 &	5	15
	Oct. 27–Dec. 18 &	5	15
	Dec. 29–Jan. 26	5	15
South Zone (4)	Sept. 29–Oct. 14 &	5	15
	Oct. 20–Dec. 11 &	5	15
	Dec. 22–Jan. 19	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	
Missouri River Zone	Same as for Dark Geese	20	
South Zone	Same as for Dark Geese	20	
Kentucky:			
Ducks		6	18
West Zone	Nov. 22–Nov. 25 & Dec. 2–Jan. 27		
East Zone	Same as West Zone		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Sept. 16–Sept. 30 &	5	15
	Nov. 22–Feb. 15	3	9
White-fronted Geese	Nov. 22–Feb. 15	2	6
Brant	Nov. 22–Feb. 15	1	3
Light Geese	Nov. 22–Feb. 15	20	60
Louisiana:			
Ducks		6	18
West Zone	Nov. 10–Dec. 2 & Dec. 15–Jan. 20		
East Zone (including Catahoula Lake)	Nov. 17–Dec. 2 & Dec. 15–Jan. 27		
Coastal Zone	Nov. 10–Dec. 2 & Dec. 15–Jan. 20		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Nov. 3–Dec. 2 &	3	9
	Dec. 15–Jan. 31	3	9
White-fronted Geese	Nov. 3–Dec. 2 &	2	6
	Dec. 15–Feb. 10	2	6
Brant	Closed		
Light Geese	Same as for White-fronted Geese	20	
Michigan:			
Ducks		6	18
North Zone	Sept. 29–Nov. 25 & Dec. 1–Dec. 2		
Middle Zone	Oct. 6–Dec. 2 & Dec. 15–Dec. 16		
South Zone	Oct. 13–Dec. 9 & Dec. 29–Dec. 30		

	Season dates	Limits	
		Bag	Possession
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)(2):			
North Zone	Sept. 1–Dec. 16	5	15
Middle Zone	Sept. 1–Sept. 30 &	5	15
	Oct. 6–Dec. 21	5	15
South Zone:.			
Muskegon Wastewater GMU	Oct. 16–Nov. 13 &	5	15
	Dec. 1–Dec. 22	5	15
Allegan County GMU	Sept. 1–Sept. 16 &	5	15
	Nov. 3–Nov. 13 &	5	15
	Nov. 22–Dec. 9 &	5	15
	Dec. 15–Feb. 14	5	15
Remainder of South Zone	Sept. 1–Sept. 30 &	5	15
	Oct. 13–Dec. 9 &	5	15
	Dec. 29–Dec. 30 &	5	15
	Jan. 26–Feb. 11	5	15
Light Geese:			
North Zone	Same as for Dark Geese	20	
Middle Zone	Same as for Dark Geese	20	
South Zone:			
Muskegon Wastewater GMU	Same as for Dark Geese	20	
Allegan County GMU	Same as for Dark Geese	20	
Remainder of South Zone	Same as for Dark Geese	20	
Minnesota:			
Ducks		6	18
North Zone	Sept. 22–Nov. 20		
Central Zone	Sept. 22–Sept. 30 & Oct. 6–Nov. 25.		
South Zone	Sept. 22–Sept. 30 & Oct. 13–Dec. 2.		
Mergansers	Same as for Ducks	5	15
Coots (5)	Same as for Ducks	15	45
Dark Geese (1):			
North Zone	Sept. 1–Sept. 16 &	5	15
	Sept. 22–Dec. 21	3	9
Central Zone	Sept. 1–Sept. 16 &	5	15
	Sept. 22–Sept. 30 &	3	9
	Oct. 6–Dec. 26	3	9
South Zone	Sept. 1–Sept. 16 &	5	15
	Sept. 22–Sept. 30 &	3	9
	Oct. 13–Jan. 2	3	9
Light Geese:			
North Zone	Same as for Dark Geese	20	60
Central Zone	Same as for Dark Geese	20	60
South Zone	Same as for Dark Geese	20	60
Mississippi:			
Ducks	Nov. 23–Nov. 25 &	6	18
	Nov. 30–Dec. 2 &	6	18
	Dec. 5–Jan. 27	6	18
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese	Sept. 1–Sept 30 &	5	15
	Nov. 9–Nov. 25 &	3	9
	Nov. 30–Dec. 2 &	3	9
	Dec. 5–Jan. 27	3	9
White-fronted Geese	Nov. 9–Nov. 25 &	3	9
	Nov. 30–Dec. 2 &	3	9
	Dec. 5–Jan. 27	3	9
Brant	Same as for White-fronted Geese	1	3
Light Geese	Same as for White-fronted Geese	20	
Missouri:			
Ducks and Mergansers		6	18
North Zone	Nov. 3–Jan. 1		
Middle Zone	Nov. 3–Nov. 9 & Nov. 15–Jan. 6		
South Zone	Nov. 22–Nov. 25 & Dec. 3–Jan. 27		
Coots	Same as for Ducks	15	45
Canada Geese and Brant			
North Zone	Oct. 6–Oct. 14 &	3	9
	Nov. 11–Feb. 6	3	9
Middle Zone	Same as North Zone	3	9
South Zone	Same as North Zone	3	9

	Season dates	Limits	
		Bag	Possession
White-fronted Geese:			
North Zone	Nov. 11–Feb. 6	2	6
Middle Zone	Same as North Zone	2	6
South Zone	Same as North Zone	2	6
Light Geese:			
North Zone	Nov. 11–Feb. 6	20	
Middle Zone	Same as North Zone	20	
South Zone	Same as North Zone	20	
Ohio:			
Ducks (6)		6	18
Lake Erie Marsh Zone	Oct. 13–Oct. 28 & Nov. 10–Dec. 23		
North Zone	Oct. 20–Nov. 4 & Nov. 17–Dec. 30		
South Zone	Oct. 20–Nov. 4 & Dec. 15–Jan. 27		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)(7):			
Lake Erie Goose Zone	Sept. 1–Sept. 9 &	5	15
	Oct. 13–Oct. 28 &	3	9
	Nov. 10–Dec. 23 &	3	9
	Jan. 5–Feb. 9	3	9
North Zone	Sept. 1–Sept. 9 &	5	15
	Oct. 20–Nov. 4 &	3	9
	Nov. 17–Dec. 30 &	3	9
	Jan. 5–Feb. 9	3	9
South Zone	Sept. 1–Sept. 9 &	5	15
	Oct. 20–Nov. 4 &	3	9
	Nov. 22–Feb. 9	3	9
Light Geese:			
Lake Erie Goose Zone	Oct. 13–Oct. 28 &	10	30
	Nov. 10–Dec. 23 &	10	30
	Jan. 5–Feb. 9	10	30
North Zone	Oct. 20–Nov. 4 &	10	30
	Nov. 17–Dec. 30 &	10	30
	Jan. 5–Feb. 9	10	30
South Zone	Oct. 20–Nov. 4 &	10	30
	Nov. 22–Feb. 9	10	30
Tennessee:			
Ducks		6	18
Reelfoot Zone	Nov. 10–Nov. 11 & Dec. 1–Jan. 27		
Rest of State	Nov. 24–Nov. 25 & Dec. 1–Jan. 27		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese:			
Northwest Zone	Sept. 1–Sept. 16 &	5	15
	Oct. 13–Oct. 23 &	3	9
	Nov. 10–Nov. 11 &	3	9
	Dec. 1–Feb. 10	3	9
Rest of State	Sept. 1–Sept. 16 &	5	15
	Oct. 13–Oct. 23 &	3	9
	Nov. 24–Nov. 25 &	3	9
	Dec. 1–Feb. 10	3	9
White-fronted Geese:			
Northwest Zone	Nov. 10–Nov. 11 &	3	9
	Dec. 1–Feb. 10	3	9
Rest of State	Nov. 24–Nov. 25 &	3	9
	Dec. 1–Feb. 10	3	9
Brant	Same as Canada Geese	1	3
Light Geese	Same as Canada Geese	20	
Wisconsin:			
Ducks (6)(8)		6	18
North Zone	Sept. 29–Nov. 27		
South Zone	Sept. 29–Oct. 7 & Oct. 13–Dec. 2		
Mississippi River Zone	Sept. 29–Oct. 5 & Oct. 13–Dec. 4		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese (9):			
North Zone	Sept. 1–Sept. 15	5	15
	Sept. 16–Dec. 16	3	6
South Zone	Sept. 1–Sept. 15	5	15
	Sept. 16–Oct. 7 &	3	9
	Oct. 13–Dec. 2 &	3	9
	Dec. 16–Jan. 3	3	9

	Season dates	Limits	
		Bag	Possession
Mississippi River Zone	Sept. 1–Sept. 15	5	15
	Sept. 29–Oct. 5 &	3	9
	Oct. 13–Jan. 3	3	9
White-fronted Geese:			
North Zone	Sept. 16–Dec. 16	1	3
South Zone	Sept. 16–Oct. 7 &	1	3
	Oct. 13–Dec. 2 &	1	3
	Dec. 16–Jan. 3	1	3
Mississippi River Zone	Sept. 29–Oct. 5 &	1	3
	Oct. 13–Jan. 3	1	3
Brant	Same as for White-fronted Geese	1	3
Light Geese	Same as for White-fronted Geese	20	

(1) The dark goose daily bag limit is an aggregate daily bag limit for Canada geese, white-fronted geese, and brant.
(2) In *Alabama* and *Michigan,* the dark goose daily bag limit may not include more than 1 brant. Additionally, after September 30, the daily bag may not include more than 3 Canada geese.
(3) In *Indiana,* the dark goose daily bag limit of 5 may include 5 Canada geese during September 8 through September 16. During all other open season segments, the dark goose daily bag limit may not include more than 3 Canada geese. The possession limit is three times the daily bag limit.
(4) In *Iowa,* in the North Zone, the Missouri River Zone, and the South Zone, the dark goose daily bag limit may not include more than 2 Canada geese until October 31. After October 31, the daily bag limit may not include more than 3 Canada geese. The possession limit is three times the daily bag limit.
(5) In *Minnesota,* the daily bag limit is 15 and the possession limit is 45 coots and moorhens in the aggregate.
(6) In *Ohio* and *Wisconsin,* the daily bag limit may include no more than one female mallard.
(7) In *Ohio,* only Canada geese may be taken during the September 1 to September 9 portion of the dark goose season.
(8) In *Wisconsin,* the daily bag limit may include no more than 1 black duck.
(9) In *Wisconsin,* a Canada goose season permit is required if hunting Canada geese in either the early or regular season. See State regulations for further information.

Central Flyway

Flyway-Wide Restrictions

Duck Limits: The daily bag limit is 6 ducks, which may include no more than 5 mallards (2 female mallards), 2 pintails, 2 canvasbacks, 2 redheads, 3 scaup, and 3 wood ducks. The possession limit is three times the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers and may include no more than 2 hooded mergansers. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 may be hooded mergansers. The possession limit is three times the daily bag limit.

	Season dates	Limits	
		Bag	Possession
Colorado:			
Ducks		6	18
Southeast Zone	Oct. 24–Jan. 27		
Northeast Zone	Oct. 6–Nov. 26 & Dec. 15–Jan. 27		
Mountain/Foothills Zone	Sept. 29–Nov. 26 & Dec. 22–Jan. 27.		
Coots	Same as for Ducks	15	45
Mergansers	Same as for Ducks	5	15
Dark Geese:			
Northern Front Range Unit	Sept. 29–Oct. 10 &	5	15
	Nov. 17–Feb. 17	5	15
South Park/San Luis Valley Unit	Sept. 29–Jan. 11	5	15
North Park Unit	Sept. 29–Jan. 11	5	15
Rest of State in Central Flyway	Nov. 5–Feb. 17	5	15
Light Geese:			
Northern Front Range Unit	Nov. 3–Feb. 17	50	
South Park/San Luis Valley Unit	Same as N. Front Range Unit	50	
North Park Unit	Same as N. Front Range Unit	50	
Rest of State in Central Flyway	Same as N. Front Range Unit	50	
Kansas:			
Ducks		6	18
High Plains	Oct. 13–Dec. 31 & Jan. 12–Jan. 27		
Low Plains:			
Early Zone	Oct. 13–Dec. 16 & Dec. 22–Dec. 30.		
Late Zone	Oct. 27–Dec. 30 & Jan. 19–Jan. 27		
Southeast Zone	Nov. 10–Jan. 6 & Jan. 12–Jan. 27		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)	Oct. 27–Oct. 28 &	6	18
	Nov. 7–Feb. 17	6	18

	Season dates	Limits	
		Bag	Possession
White–Fronted Geese	Oct. 27–Dec. 30 &	2	6
	Jan. 26–Feb. 17	2	6
Light Geese	Oct. 27–Oct. 28 &	50	
	Nov. 7–Feb. 17	50	
Montana:			
Ducks and Mergansers (2)		6	18
Zone 1	Sept. 29–Jan. 3		
Zone 2	Sept. 29–Oct. 7 & Oct. 20–Jan. 15		
Coots	Same as for Ducks	15	45
Dark Geese:			
Zone 1	Sept. 29–Jan. 6 &	5	15
	Jan. 12–Jan. 16	5	15
Zone 2	Sept. 29–Oct. 7 &	5	15
	Oct. 20–Jan. 23	5	15
Light Geese:			
Zone 1	Same as for Dark Geese	20	60
Zone 2	Same as for Dark Geese	20	60
Nebraska:			
Ducks		6	18
Zone 1	Oct. 13–Dec. 25.		
Zone 2:.			
Low Plains	Oct. 6–Dec. 18		
High Plains	Oct. 6–Dec. 18 & Jan. 7–Jan. 27		
Zone 3:.			
Low Plains	Oct. 25–Jan. 6		
High Plains	Oct. 25–Jan. 6 & Jan. 7–Jan. 27		
Zone 4	Oct. 6–Dec. 18		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese			
Niobrara Unit	Oct. 29–Feb. 10	5	15
East Unit	Oct. 29–Feb. 10	5	15
North Central Unit	Oct. 6–Jan. 18	5	15
Platte River Unit	Oct. 29–Feb. 10	5	15
Panhandle Unit	Oct. 29–Feb. 10	5	15
White-Fronted Geese	Oct. 6–Dec. 9 &	2	6
	Jan. 19–Feb. 10	2	6
Light Geese	Oct. 6–Dec. 26 &	50	
	Jan. 19–Feb. 10	50	
New Mexico:			
Ducks and Mergansers (3)		6	18
North Zone	Oct. 13–Jan. 16		
South Zone	Oct. 24–Jan. 27		
Coots	Same as for Ducks	15	45
Dark Geese			
Middle Rio Grande Valley Unit	Dec. 22–Jan. 15	2	2
Rest of State	Oct. 13–Jan. 27	5	15
Light Geese	Oct. 13–Jan. 27	50	
North Dakota:			
Ducks (2)		6	18
High Plains	Sept. 22–Dec. 2 & Dec. 8–Dec. 30		
Remainder of State	Sept. 22–Dec. 2		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese (4)			
Missouri River Zone	Sept. 22–Dec. 28	5	15
Western ND Zone	Sept. 22–Dec. 21	8	24
Rest of State	Sept. 22–Dec. 16	8	24
White-Fronted Geese	Sept. 22–Dec. 2	3	9
Light Geese	Sept. 22–Dec. 30	50	
Oklahoma:			
Ducks		6	18
High Plains	Oct. 13–Jan. 9		
Low Plains			
Zone 1	Oct. 27–Nov. 25 & Dec. 8–Jan. 20		
Zone 2	Nov. 3–Nov. 25 & Dec. 8–Jan. 27		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese (1)	Nov. 3–Nov. 25 &	8	24
	Dec. 8–Feb. 17	8	24
White-Fronted Geese	Nov. 3–Nov. 25 &	2	6
	Dec. 8–Feb. 10	2	6

	Season dates	Limits	
		Bag	Possession
Light Geese	Nov. 3–Nov. 25 &	50	
	Dec. 8–Feb. 17	50	
South Dakota:			
Ducks (2)		6	18
High Plains	Oct. 13–Dec. 25 & Dec. 26–Jan. 17		
Low Plains:			
North Zone	Sept. 29–Dec. 11		
Middle Zone	Sept. 29–Dec. 11		
South Zone	Oct. 27–Jan. 8		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese			
Unit 1	Oct. 1–Dec. 16	8	24
Unit 2	Nov. 5–Feb. 17	4	12
Unit 3	Oct. 20–Dec. 23 &	4	12
	Jan. 12–Jan. 20	4	12
White-Fronted Geese	Sept. 29–Dec. 23	2	6
Light Geese	Sept. 29–Jan. 11	50	
Texas:			
Ducks (5)		6	18
High Plains	Oct. 27–Oct. 28 & Nov. 2–Jan. 27		
Low Plains:			
North Zone	Nov. 10–Nov. 25 & Dec. 1–Jan. 27		
South Zone	Nov. 3–Nov. 25 & Dec. 8–Jan. 27		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Canada Geese and Brant (6)			
East Tier:.			
South Zone	Nov. 3–Jan. 27	5	15
North Zone	Nov. 3–Jan. 27	5	15
West Tier	Nov. 3–Feb. 3	5	15
White-fronted Geese (6)			
East Tier			
South Zone	Nov. 3–Jan. 27	2	6
North Zone	Nov. 3–Jan. 27	2	6
West Tier	Nov. 3–Feb. 3	2	6
Light Geese:			
East Tier:			
South Zone	Nov. 3–Jan. 27	20	
North Zone	Nov. 3–Jan. 27	20	
West Tier	Nov. 3–Feb. 3	20	
Wyoming:			
Ducks (2)(7)		6	18
Zone C1	Sept. 29–Oct. 16 & Oct. 27–Jan. 13		
Zone C2	Sept. 22–Dec. 2 & Dec. 8–Jan. 1		
Zone C3	Same as Zone C2		
Mergansers	Same as for Ducks	5	15
Coots	Same as for Ducks	15	45
Dark Geese:			
Zone G1A (7)	Sept. 29–Oct. 10 &	2	6
	Nov. 17–Feb. 17	4	12
Zone G1	Sept. 29–Oct. 7 &	5	15
	Nov. 3–Nov. 25 &	5	15
	Dec. 7–Feb. 17	5	15
Zone G2	Sept. 22–Dec. 2 &	5	15
	Dec. 8–Jan. 9	5	15
Zone G3	Same as Zone G2	5	15
Zone G4	Same as Zone G1	5	15
Light Geese	Sept. 29–Dec. 30 &	10	30
	Feb. 6–Feb. 17	10	30

(1) In *Kansas* and *Oklahoma,* the dark geese daily bag limit includes Canada geese, brant, and all other geese except white-fronted geese and light geese.

(2) In *Montana,* during the first 9 days of the duck season, and in *North Dakota, South Dakota,* and *Wyoming,* during the first 16 days of the duck season, the daily bag and possession limit may include 2 and 6 additional blue-winged teal, respectively.

(3) In *New Mexico,* Mexican-like ducks are included in the aggregate with mallards.

(4) In *North Dakota,* see State regulations for additional shooting hour restrictions.

(5) In *Texas,* the daily bag limit is 6 ducks, which may include no more than 5 mallards (only 2 of which may be females), 2 redheads, 3 wood ducks, 3 scaup, 2 canvasbacks, 1 pintail, and 1 dusky duck (mottled duck, Mexican-like duck, black duck and their hybrids). The season for dusky ducks is closed the first 5 days of the season in all zones. The possession limit is three times the daily bag limit.

(6) In *Texas,* in the West Goose Zone, the daily bag limit for dark geese is 5 in the aggregate and may include no more than 2 white-fronted geese. Possession limits are three times the daily bag limits.

(7) See State regulations for additional restrictions.

Pacific Flyway

Flyway-Wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 2 pintails, 2 redheads, 3 scaup, and 2 canvasbacks. The possession limit is three times the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

	Season dates	Limits	
		Bag	Possession
Arizona:			
Ducks (1)		7	21
North Zone:			
Scaup	Oct. 20–Jan. 13	3	9
Other Ducks	Oct. 5–Jan. 13	7	21
South Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 19–Jan. 27	7	21
Coots and Moorhens	Same as for Other Ducks	25	75
Dark Geese:			
North Zone	Oct. 5–Jan. 13	4	12
South Zone	Oct. 19–Jan. 27	4	12
Light Geese	Same as for Dark Geese	10	30
California:			
Ducks		7	21
Northeastern Zone:			
Scaup	Oct. 6–Dec. 2 &	3	9
	Dec. 22–Jan. 18	3	9
Other Ducks	Oct. 6–Jan. 18	7	21
Colorado River Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 19–Jan. 27	7	21
Southern Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 20–Jan. 27	7	21
Southern San Joaquin Valley Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 20–Jan. 27	7	21
Balance of State Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 20–Jan. 27	7	21
Coots and Moorhens	Same as for Other Ducks	25	75
Canada Geese (2) (3):			
Northeastern Zone (4)	Oct. 6–Jan. 13	10	30
Klamath Basin Special Management Area	Oct. 6–Jan. 13	10	30
Colorado River Zone	Oct. 19–Jan. 27	4	12
Southern Zone	Oct. 20–Jan. 27	3	9
Balance of State Zone	Sept. 29–Oct. 3 &	10	30
	Oct. 20–Jan. 27	10	30
North Coast Special Management Area	Oct. 31–Jan. 27 &	10	30
	Feb. 23–Mar. 10	10	30
White-fronted Geese (2):			
Northeastern Zone	Oct. 6–Dec. 2 &	10	30
	Jan. 5–Jan. 18 &	10	30
	Feb. 6–Mar.10	10	30
Klamath Basin Special Management Area	Oct. 6–Jan. 18	10	30
Colorado River Zone	Oct. 19–Jan. 27	4	12
Southern Zone	Oct. 20–Jan. 27	3	9
Balance of State Zone	Oct. 20–Jan. 27 &	10	30
	Feb. 9–Feb. 13	10	30
Sacramento Valley Special Management Area	Oct. 20–Dec. 21	3	9
Light Geese:			
Northeastern Zone	Oct. 6–Dec. 2 &	20	60
	Jan. 5–Jan. 18 &	20	60
	Feb. 6–Mar.10	20	60
Klamath Basin Special Management Area	Oct. 6–Jan. 18	20	60
Colorado River Zone	Oct. 19–Jan. 27	20	60
Southern Zone	Oct. 20–Jan. 27	20	60
Imperial County Special Management Area	Nov. 3–Jan. 27 &	20	60
	Feb. 2–Feb. 18	20	60
Balance of State Zone	Oct. 20–Jan. 27 &	20	60
	Feb. 9–Feb. 13	20	60
Brant:			
Northern Zone	Nov. 9–Dec. 15	2	6
Balance of State Zone	Nov. 9–Dec. 15	2	6
Colorado:			

	Season dates	Limits	
		Bag	Possession
Ducks		7	21
East Zone:			
Scaup	Sept. 29–Dec. 23	3	9
Other Ducks	Sept. 29–Jan. 11	7	21
West Zone:			
Scaup	Sept. 29–Oct. 17 &	3	9
	Nov. 3–Jan. 8	3	9
Other Ducks	Sept. 29–Oct. 17 &	7	21
	Nov. 3–Jan. 27	7	21
Coots	Same as for Other Ducks	25	75
Dark Geese:			
East Zone	Sept. 29–Jan. 2	4	12
West Zone	Sept. 29–Oct. 8 &	4	12
	Nov. 3–Jan. 27	4	12
Light Geese:	Same as for Dark Geese	10	30
Idaho:			
Ducks		7	21
Zone 1:			
Scaup	Oct. 6–Dec. 30	3	9
Other Ducks	Oct. 6–Jan. 18	7	21
Zone 2:			
Scaup	Oct. 6–Dec. 30	3	9
Other Ducks	Oct. 6–Jan. 18	7	21
Zone 3:			
Scaup	Nov. 1–Jan. 25	3	9
Other Ducks	Oct. 13–Jan. 25	7	21
Zone 4:			
Scaup	Oct. 6–Dec. 30	3	9
Other Ducks	Oct. 6–Jan. 18	7	21
Coots	Same as for Other Ducks	25	75
Canada Geese and Brant:			
Zone 1	Oct. 6–Jan. 18	4	12
Zone 2	Oct. 6–Jan. 18	4	12
Zone 3	Oct. 13–Jan. 25	4	12
Zone 4	Oct. 6–Jan. 3	4	12
Zone 5	Oct. 6–Jan. 18	4	12
White-fronted Geese:			
Zone 1	Oct. 6–Jan. 18	10	30
Zone 2	Oct. 6–Jan. 18	10	30
Zone 3	Oct. 13–Jan. 25	10	30
Zone 4	Nov. 5–Feb. 17	10	30
Zone 5	Oct. 6–Jan. 18	10	30
Light Geese:			
Zone 1	Oct. 6–Jan. 18	20	60
Zone 2	Nov. 5–Jan. 18 &	20	60
	Feb. 9–Mar. 10	20	60
Zone 3	Nov. 26–Mar. 10	20	60
Zone 4	Oct. 13–Jan. 25	20	60
Zone 5 (5)	Oct. 6–Jan. 18	20	60
Zone 6	Oct. 6–Jan. 18	20	60
Montana:			
Ducks		7	21
Scaup	Sept. 29–Dec. 23	3	9
Other Ducks	Sept. 29–Jan. 6 &	7	21
	Jan. 12–Jan. 16	7	21
Coots	Same as for Other Ducks	25	25
Dark Geese (6)	Sept. 29–Jan. 6 &	4	12
	Jan. 12–Jan. 16	4	12
Light Geese (6)	Same as for Dark Geese	20	60
Nevada:			
Ducks		7	21
Northeast Zone:			
Scaup	Sept. 22–Oct. 21 &	3	9
	Oct. 24–Dec. 18	3	9
Other Ducks	Sept. 22–Oct. 21 &	7	21
	Oct. 24–Jan. 6	7	21
Northwest Zone:			
Scaup	Oct. 27–Jan. 20	3	9
Other Ducks	Oct. 6–Oct. 21 &	7	21
	Oct. 24–Jan. 20	7	21
South Zone:			
Scaup	Nov. 3–Jan. 27	3	9

	Season dates	Limits	
		Bag	Possession
Other Ducks	Oct. 13–Oct. 21 &	7	21
	Oct. 24–Jan. 27	7	21
Moapa Valley Special Management Area (7):			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 27–Jan. 27	7	21
Coots and Moorhens	Same as for Other Ducks	25	75
Canada Geese and Brant:			
Northeast Zone	Same as for Other Ducks	4	12
Northwest Zone	Same as for Other Ducks	4	12
South Zone	Same as for Other Ducks	4	12
Moapa Valley Special Management Area (7):	Same as for Other Ducks	4	12
White-fronted Geese:			
Northeast Zone	Same as for Canada Geese	10	30
Northwest Zone	Same as for Canada Geese	10	30
South Zone	Same as for Canada Geese	10	30
Moapa Valley Special Management Area (7):	Same as for Canada Geese	10	30
Light Geese (8):			
Northeast Zone	Oct. 24–Jan. 6 &	20	60
	Feb. 23–Mar. 10	20	60
Northwest Zone	Oct. 24–Jan. 20 &	20	60
	Feb. 23–Mar. 10	20	60
South Zone	Oct. 13–Oct. 21 &	20	60
	Oct. 24–Jan. 27	20	60
Moapa Valley Special Management Area (7):	Oct. 27–Jan. 27	20	60
New Mexico:			
Ducks		7	21
Scaup	Oct. 15–Jan. 8	3	9
Other Ducks	Oct. 15–Jan. 27	7	21
Coots and Moorhens	Same as for Other Ducks	25	75
Canada Geese and Brant:			
North Zone	Sept. 22–Oct. 7 &	4	12
	Oct. 29–Jan. 27	4	12
South Zone	Oct. 13–Jan. 27	4	12
White-fronted Geese:			
North Zone	Same as for Canada Geese	10	30
South Zone	Same as for Canada Geese	10	30
Light Geese:			
North Zone	Same as for Canada Geese	20	60
South Zone	Same as for Canada Geese	20	60
Oregon:			
Ducks		7	21
Zone 1:			
Columbia Basin Unit:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 13–Oct. 28 &	7	21
	Oct. 31–Jan. 27	7	21
Rest of Zone 1	Same as Columbia Basin Unit		
Zone 2:			
Scaup	Oct. 6–Nov. 25 &	3	9
	Nov. 28–Jan. 1	3	9
Other Ducks	Oct. 6–Nov. 25 &	7	21
	Nov. 28–Jan. 20	7	21
Coots	Same as for Other Ducks	25	75
Canada Geese:			
Northwest Permit Zone (9) (10)	Oct. 20–Oct. 28 &	6	18
	Nov. 17–Jan. 12 &	6	18
	Feb. 9–Mar. 10	6	18
Tillamook County Management Area	Closed		
Southwest Zone	Oct. 13–Oct. 28 &	4	12
	Nov. 5–Jan. 27	4	12
South Coast Zone	Sept. 29–Nov. 25 &	6	18
	Dec. 15–Jan. 14 &	6	18
	Feb. 23–Mar. 10	6	18
Eastern Zone	Oct. 13–Oct. 28 &	4	12
	Nov. 5–Jan. 27	4	12
Klamath County Zone	Oct. 6–Nov. 25 &	4	12
	Dec. 10–Jan. 27	4	12
Harney and Lake County Zone	Oct. 6–Nov. 25 &	4	12
	Dec. 10–Jan. 27	4	12
Malheur County Zone	Oct. 6–Nov. 25 &	4	12
	Dec. 10–Jan. 27	4	12
White-fronted Geese:			

	Season dates	Limits	
		Bag	Possession
Northwest Permit Zone (9)	Same as for Canada Geese	10	30
Tillamook County Management Area	Closed		
Southwest Zone	Same as for Canada Geese	10	30
South Coast Zone	Same as for Canada Geese	10	30
Eastern Zone	Same as for Canada Geese	10	30
Klamath County Zone	Oct. 6–Nov. 25 &	10	30
	Jan. 16–Mar. 10	10	30
Harney and Lake County Zone (11)	Oct. 6–Nov. 25 &	10	30
	Jan. 16–Mar. 10	10	30
Malheur County Zone	Oct. 6–Nov. 25 &	10	30
	Jan. 16–Mar. 10	10	30
Light Geese:			
Northwest Permit Zone (9)	Same as for Canada Geese	6	18
Tillamook County Management Area	Closed		
Southwest Zone	Same as for Canada Geese	6	18
South Coast Zone	Same as for Canada Geese	6	18
Eastern Zone	Same as for Canada Geese	6	18
Klamath County Zone (12)	Oct. 6–Nov. 25 &	6	18
	Jan. 16–Mar. 10	6	18
Harney and Lake County Zone (12)	Oct. 6–Nov. 25 &	6	18
	Jan. 16–Mar. 10	6	18
Malheur County Zone (12)	Oct. 6–Nov. 25 &	6	18
	Jan. 16–Mar. 10	6	18
Brant	Nov. 24–Dec. 9	2	6
Utah:			
Ducks		7	21
Zone 1:			
Scaup	Oct. 6–Dec. 30	3	9
Other Ducks	Oct. 6–Jan. 19	7	21
Zone 2:			
Scaup	Nov. 2–Jan. 26	3	9
Other Ducks	Oct. 13–Jan. 26	7	21
Coots	Same as for Other Ducks	25	75
Canada Geese and Brant:			
Northern Zone	Oct. 6–Oct. 18 &	4	12
	Oct. 27–Jan. 27	4	12
Wasatch Front Zone	Oct. 6–Oct. 18 &	4	12
	Nov. 3–Feb. 3	4	12
East Box Elder County Zone	Oct. 6–Jan. 19	4	12
Southern Zone	Oct. 13–Jan. 26	4	12
White-fronted Geese:			
Northern Zone	Same as for Canada Geese	10	30
Wasatch Front Zone	Same as for Canada Geese	10	30
East Box Elder County Zone	Same as for Canada Geese	10	30
Southern Zone	Same as for Canada Geese	10	30
Light Geese:			
Northern Zone	Oct. 25–Nov. 30 &	20	60
	Jan. 1–Mar. 10	20	60
Wasatch Front Zone	Same as for Northern Zone	20	60
East Box Elder County Zone	Same as for Northern Zone	20	60
Southern Zone	Same as for Northern Zone	20	60
Washington:			
Ducks		7	21
East Zone:			
Scaup	Nov. 3–Jan. 27	3	9
Other Ducks	Oct. 13–Oct 31 &	7	21
	Nov. 3–Jan. 27	7	21
West Zone (13)	Same as East Zone		
Coots	Same as for Other Ducks	25	75
Canada Geese:			
Area 1 (14)	Oct. 13–Nov. 25 &	4	12
	Dec. 8–Jan. 27	4	12
Area 2 Inland (15) (16)	Oct. 13–Oct. 28 &	4	12
	Nov. 24–Jan. 13 &	4	12
	Feb. 9–Mar. 9	4	12
Area 2 Coast (15) (16)	Oct. 13–Dec. 2 &	4	12
	Dec. 22–Jan. 20 &	4	12
	Feb. 2–Feb. 16	4	12
Area 3 (14)	Oct. 13–Oct. 25 &	4	12
	Nov. 3–Jan. 27	4	12

	Season dates	Limits	
		Bag	Possession
Area 4 (14)	Oct. 13–Oct. 28 &	4	12
	Oct. 31 only &	4	12
	Nov. 3–Jan. 27	4	12
Area 5 (14)	Oct. 13–Oct. 29 &	4	12
	Nov. 3–Jan. 27	4	12
White-fronted Geese:			
Area 1 (14)	Same as for Canada Geese	10	30
Area 2 Inland (15)	Same as for Canada Geese	10	30
Area 2 Coast (15)	Same as for Canada Geese	10	30
Area 3 (14)	Same as for Canada Geese	10	30
Area 4 (14)	Same as for Canada Geese	10	30
Area 5 (14)	Same as for Canada Geese	10	30
Light Geese:			
Area 1 (14)	Oct. 13–Nov. 25 &	6	18
	Dec. 8–Jan. 27 &	6	18
	Feb. 9–Feb. 20	6	18
Area 2 Inland (15)	Same as for Canada Geese	6	18
Area 2 Coast (15)	Same as for Canada Geese	6	18
Area 3 (14)	Same as for Canada Geese	6	18
Area 4 (14)	Same as for Canada Geese	6	18
Area 5 (14)	Same as for Canada Geese	6	18
Brant (17):			
Coastal Zone	Jan. 12–Jan. 27	2	6
Puget Sound Zone	Jan. 12–Jan. 27	2	6
Wyoming:			
Ducks		7	21
Snake River Zone:			
Scaup	Sept. 22–Dec. 16	3	9
Other Ducks	Sept. 22–Jan. 4	7	21
Balance of State Zone			
Scaup	Sept. 22–Dec. 16	3	9
Other Ducks	Sept. 22–Jan. 4	7	21
Coots	Same as for Other Ducks	15	45
Dark Geese	Sept. 22–Dec. 27	4	12
Light Geese	Sept. 22–Dec. 27	10	30

(1) In *Arizona,* the daily bag limit may include no more than either 2 female mallards or 2 Mexican-like ducks, or 1 of each; and not more than 6 female mallards and Mexican-like ducks, in the aggregate, may be in possession. For black-bellied whistling ducks, the daily bag limit is 1 and the possession limit is 3.
(2) In *California,* the daily bag and possession limits for Canada geese and white-fronted geese are in the aggregate.
(3) In *California,* small Canada geese are Cackling and Aleutian Canada geese, and large Canada geese are Western and Lesser Canada geese.
(4) In *California,* in the Northeastern Zone, the daily bag limit may include no more than 2 large Canada geese.
(5) In *Idaho,* the season on light geese is closed in Fremont and Teton Counties.
(6) In *Montana,* check State regulations for special seasons and exceptions.
(7) In *Nevada,* youth 17 years of age or younger are allowed to hunt on October 13 on the Moapa Valley portion of Overton WMA. Youth must be accompanied by an adult who is at least 18 years of age.
(8) In *Nevada,* there is no open season on light geese in Ruby Valley within Elko and White Pine Counties. In addition, the season is closed in Alkali Lake, Fernley, Humboldt, Kirch, Mason Valley, Scripps, and Steptoe Valley WMA and Washoe State Park from February 24 to March 10.
(9) In *Oregon,* in the Northwest Permit Zone, see State regulations for specific dates, times, and conditions of permit hunts and closures.
(10) In *Oregon,* in the Northwest Permit Zone, the season for dusky Canada geese is closed.
(11) In *Oregon,* in Lake County, the daily bag and possession limits for white-fronted geese are 1 and 3, respectively.
(12) In *Oregon,* in Klamath County, Harney and Lake County, and Malheur County Zones, during January 28 through March 10, the daily bag and possession limits are 20 and 60, respectively.
(13) In *Washington,* the daily bag limit in the West Zone may include no more than 2 scoters, 2 long-tailed ducks, and 2 goldeneyes, with the possession limit three times the daily bag limit. The daily bag and possession limit, and the season limit, for harlequins is 1.
(14) In *Washington,* in Areas 1, 3, and 5, hunting is allowed everyday. In Area 4, hunting is allowed only on Saturdays, Sundays, Wednesdays, and certain holidays. See State regulations for details, including shooting hours.
(15) In *Washington,* in Areas 2 Inland and 2 Coast, see State regulations for specific dates, times, and conditions of permit hunts and closures.
(16) In *Washington,* in Areas 2 Inland and 2 Coast, the season for dusky Canada geese is closed.
(17) In *Washington,* brant may be hunted in Clallam, Pacific, Skagit, and Watcom Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Days

The following seasons are open only to youth hunters. Youth hunters must be accompanied into the field by an adult at least 18 years of age. This adult cannot duck hunt but may participate in other open seasons.

Definition

Youth Hunters: States may use their established definition of age for youth hunters. However, youth hunters may not be over the age of 17. Youth hunters 16 years of age and older must possess a Federal Migratory Bird Hunting and Conservation Stamp (also known as Federal Duck Stamp).

ATLANTIC FLYWAY
Connecticut:

Ducks, geese, mergansers, and coots	Sept. 29 & Oct. 27.
Delaware:	
Ducks, geese, brant, mergansers, and coots	Oct. 20 & Feb. 9.
Florida:	
Ducks, mergansers, coots, moorhens, and geese	Feb. 2 & 3.
Georgia:	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Nov. 10 & 11.
Maine:	
Ducks, geese, mergansers, and coots:	
North Zone	Sept. 15 & Dec. 8.
South Zone	Sept. 22 & Oct. 20.
Coastal Zone	Sept. 22 & Nov. 3.
Maryland (1)(2):	
Ducks, coots, light geese, Canada geese, sea ducks, and brant	Nov. 3 & Feb. 9.
Massachusetts:	
Ducks, mergansers, coots, and geese	Sept. 22 & Oct. 6.
New Hampshire:	
Ducks, geese, mergansers, and coots	Sept. 29 & 30.
New Jersey:	
Ducks, geese, mergansers, coots, moorhens, and gallinules:	
North Zone	Oct. 6 & Feb. 2.
South Zone	Oct. 13 & Feb. 2.
Coastal Zone	Nov. 3 & Feb. 9.
New York (3):	
Ducks, mergansers, coots, brant, and Canada geese:	
Long Island Zone	Nov. 10 & 11.
Lake Champlain Zone	Sept. 29 & 30.
Northeastern Zone	Sept. 22 & 23.
Southeastern Zone	Sept. 22 & 23.
Western Zone	Oct. 13 & 14.
North Carolina:	
Ducks, mergansers, geese (4), brant, tundra swans (5), and coots	Feb. 2 & Feb. 9.
Pennsylvania	
Ducks, mergansers, Canada geese, coots, moorhens, brant, and gallinules:	
North Zone	Sept. 15 & Jan. 19.
South Zone	Sept. 15 & Jan. 26.
Northwest Zone	Sept. 15 & Dec. 15.
Lake Erie Zone	Sept. 15 & Oct. 20.
Rhode Island:	
Ducks, sea ducks, mergansers, geese, and coots	Oct. 27 & 28.
South Carolina:	
Ducks, geese, mergansers, and coots	Feb. 2 & 9.
Vermont:	
Ducks, geese, mergansers and coots	Sept. 29 & 30.
Virginia:	
Ducks, mergansers, coots, sea ducks, tundra swans (5), and Canada geese (6)	Oct. 20 & Feb. 2.
West Virginia:	
Ducks, geese, mergansers, coots, and gallinules	Sept. 15 & Nov. 3.
MISSISSIPPI FLYWAY	
Alabama:	
Ducks, mergansers, coots, geese, moorhens, and gallinules	Nov. 17 & Feb. 2.
Arkansas:	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Dec. 1 & Feb. 2.
Illinois:	
Ducks, geese, mergansers, and coots:	
North Zone	Oct. 13 & 14.
Central Zone	Oct. 20 & 21.
South Central Zone	Nov. 3 & 4.
South Zone	Nov. 10 & 11.
Indiana:	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
North Zone	Oct. 13 & 14.
Central Zone	Oct. 20 & 21.
South Zone	Oct. 27 & 28.
Iowa:	
Ducks, mergansers, and coots:	
North Zone	Sept. 22 & 23.
Missouri River Zone	Oct. 6 & 7.
South Zone	Sept. 29 & 30.
Kentucky:	
Ducks, geese, mergansers, coots, moorhens, and gallinules:	
West Zone	Feb. 2 & 3.
East Zone	Nov. 3 & 4.
Louisiana:	

Ducks, mergansers, coots, moorhens, gallinules, and geese:	
West Zone	Nov. 3 & Jan. 26.
East Zone	Nov. 10 & Feb. 2.
Coastal Zone	Nov. 3 & Nov. 4.
Michigan:	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Sept. 15 & 16.
Minnesota:	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Sept. 8.
Mississippi:	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Nov. 17 & Feb. 2.
Missouri:	
Ducks, coots, mergansers, moorhens, gallinules, and geese:	
North Zone	Oct. 20 & 21.
Middle Zone	Oct. 20 & 21.
South Zone	Nov. 17 & 18.
Ohio:	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Lake Erie Marsh	Oct. 6 & 7.
North Zone	Oct. 6 & 7.
South Zone	Oct. 6 & 7.
Tennessee:	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
Reelfoot Zone	Feb. 2 & 9.
Remainder of State	Feb. 2 & 9.
Wisconsin:	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Sept. 15 & 16.
CENTRAL FLYWAY	
Colorado:	
Ducks, dark geese, mergansers, and coots:	
Mountain/Foothills Zone	Sept. 22 & 23.
Northeast Zone	Sept. 29 & 30.
Southeast Zone	Oct. 20 & 21.
Kansas: (7):	
Ducks, geese, mergansers, and coots:	
High Plains	Oct. 6 & 7.
Low Plains:	
Early Zone	Oct. 6 & 7.
Late Zone	Oct. 20 & 21.
Southeast Zone	Nov. 3 & 4.
Montana:	
Ducks, geese, mergansers, and coots	Sept. 22 & 23.
Nebraska:	
Ducks, geese, mergansers, and coots:	
Zone 1	Oct. 6 & 7.
Zone 2	Sept. 29 & 30.
Zone 3	Oct. 20 & 21.
Zone 4	Sept. 29 & 30.
New Mexico:	
Ducks, mergansers, coots, and moorhens:	
North Zone	Sept. 29 & 30.
South Zone	Oct. 6 & 7.
North Dakota:	
Ducks, geese, mergansers, and coots	Sept. 15 & 16.
Oklahoma:	
Ducks, geese mergansers, and coots:	
High Plains	Oct. 6 & Feb. 2.
Low Plains:	
Zone 1	Oct. 6 & Feb. 2.
Zone 2	Oct. 6 & Feb. 2.
South Dakota:	
Ducks, Canada geese, mergansers, and coots	Sept. 22 & 23.
Texas:	
Ducks, geese, mergansers, moorhens, gallinules, and coots:	
High Plains	Oct. 20 & 21.
Low Plains:	
North Zone	Nov. 3 & 4.
South Zone	Oct. 27 & 28.
Wyoming:	
Ducks, geese, mergansers, and coots:	
Zone C1	Sept. 22 & 23.
Zone C2	Sept. 15 & 16.
Zone C3	Sept. 15 & 16.
PACIFIC FLYWAY	
Arizona:	

Ducks, geese, mergansers, coots, and moorhens:	
North Zone	Sept. 29 & 30.
South Zone	Feb. 2 & 3.
California:	
Ducks, geese, brant, mergansers, coots, and moorhens:	
Northeastern Zone	Sept. 22 & 23.
Colorado River Zone	Feb. 2 & 3.
Southern Zone	Feb. 2 & 3.
Southern San Joaquin Valley Zone	Feb. 2 & 3.
Balance of State Zone	Feb. 2 & 3.
Colorado:	
Ducks, geese, mergansers, and coots:	
East Zone	Sept. 22 & 23.
West Zone	Oct. 27 & 28.
Idaho:	
Ducks, geese, mergansers, and coots	Sept. 29 & 30.
Montana:	
Ducks, geese, mergansers, and coots	Sept. 22 & 23.
Nevada:	
Ducks, geese, mergansers, coots, and moorhens:	
Northeast Zone	Sept. 8 & 9.
Northwest Zone	Sept. 22 & Feb. 2.
South Zone	Feb. 9 & 10.
New Mexico:	
Ducks, mergansers, coots, and moorhens	Oct. 6 & 7.
Oregon:	
Ducks, geese, mergansers, and coots	Sept. 22 & 23.
Utah:	
Ducks, dark geese, mergansers, and coots:	
Zone 1	Sept. 22.
Zone 2	Sept. 29.
Washington:	
Ducks, Canada geese, white-fronted geese, mergansers, and coots:	
East Zone	Sept. 29 & 30.
West Zone	Sept. 22 & 23.
Wyoming:	
Ducks, geese, mergansers, and coots	Sept. 15 & 16.

(1) In *Maryland,* youth hunter(s) must be accompanied by an adult at least 21 years old and who possesses a current Maryland hunting license or is exempt from the hunting license requirement. The adult accompanying the youth hunter(s) may not possess a hunting weapon and may not participate in other seasons that are open on the youth days.
(2) In *Maryland,* the bag limit for Canada geese is 2 in the AP Zone and 5 in the RP Zone.
(3) In *New York,* the daily bag limit for Canada geese is 3.
(4) In *North Carolina,* the daily bag limit in the Northeast Hunt Zone may not include dark geese except by permit.
(5) In *North Carolina* and *Virginia,* the daily bag limit may not include tundra swans except by permit.
(6) In *Virginia,* the daily bag limit for Canada geese is 2.
(7) In *Kansas,* the adult accompanying the youth must possess any licenses and/or stamps required by law for that individual to hunt waterfowl.

■ 7. Section 20.106 is revised to read as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take sandhill cranes at the level allowed by the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

	Season dates	Limits	
		Bag	Possession
MISSISSIPPI FLYWAY			
Kentucky (1)	Dec. 3–Jan. 27	2	3 per season.
Minnesota (1)			
NW Goose Zone	Sept. 15–Oct. 21	1	3.
Tennessee (1)(2):			

	Season dates	Limits	
		Bag	Possession
Southeast Zone (3)	Dec. 1–Jan. 27	3	3 per season.
Rest of State	Dec. 1–Jan. 27	1	1 per season.
CENTRAL FLYWAY			
Colorado (1)	Sept. 29–Nov. 25	3	9.
Kansas (1)(4)(5)	Nov. 7–Jan. 3	3	9.
Montana:			
Regular Season Area (1)	Sept. 29–Nov. 25	3	9.
Special Season Area (6)	Sept. 1–Oct. 28	2 per season.	
New Mexico:			
Regular Season Area (1)	Oct. 27–Jan. 27	3	6.
Middle Rio Grande Valley Area (6)(7)	Nov. 10–Nov. 11 & Nov. 24–Nov. 25 & Dec. 1 & Dec. 15–Dec. 16 & Jan. 5–Jan. 6 & Jan. 12–Jan. 13.	3 3 3 3 3 3 3	6 per season. 6 per season. 3 per season. 6 per season. 6 per season. 6 per season.
Southwest Area (6)	Oct. 27–Nov. 4 & Jan. 5–Jan. 6	3 3	6 per season. 6 per season.
Estancia Valley (6)(8)	Oct. 27–Nov. 4	3	6.
North Dakota (1):			
Area 1	Sept. 15–Nov. 11	3	9.
Area 2	Sept. 15–Nov. 11	2	6.
Oklahoma (1)	Oct. 20–Jan. 20	3	9.
South Dakota (1)	Sept. 22–Nov. 18	3	9.
Texas (1):			
Zone A	Oct. 27–Jan. 27	3	9.
Zone B	Nov. 23–Jan. 27	3	9.
Zone C	Dec. 15–Jan. 20	2	6.
Wyoming:			
Regular Season (Area 7) (1)	Sept. 15–Nov. 11	3	9.
Riverton-Boysen Unit (Area 4) (6)	Sept. 15–Oct. 7	1 per season.	
Big Horn, Hot Springs, Park, and Washakie Counties (Area 6) (6)	Sept. 15–Oct. 7	1 per season.	
Johnson, Natrona, and Sheridan Counties (Area 8) (6)	Sept. 1–Sept. 30	1 per season.	
PACIFIC FLYWAY			
Arizona (6):			
Zone 1 (9)	Nov. 9–Dec. 9	3 per season.	
Zone 2 (10)	Nov. 24–Dec. 12	3 per season.	
Idaho (6):			
Areas 1, 3, & 4	Sept. 1–Sept. 30	2 per season.	
Areas 2, 5, & 6	Sept. 1–Sept. 15	2 per season.	
Montana (6)(11):			
Zone 1 & 4	Sept. 1–Oct. 28	1	1.
Zone 2 & 3	Sept. 1–Oct. 28	2	2.
Utah (6):			
Rich County	Sept. 1–Sept. 9	1 per season.	
Cache County	Sept. 1–Sept. 9	1 per season.	
East Box Elder County	Sept. 1–Sept. 9	1 per season.	
Uintah County	Sept. 29–Nov. 27	1 per season.	
Wyoming (6):			
Areas 1, 2, 3, & 5	Sept. 1–Sept. 8	1 per season.	

(1) Each person participating in the regular sandhill crane seasons must have a valid sandhill crane hunting permit in their possession while hunting.
(2) In *Tennessee,* the shooting hours are from sunrise to 3 p.m.
(3) In *Tennessee,* in the Southeast Zone, the season is also closed from January 18 through January 20, 2019.
(4) In *Kansas,* shooting hours are from sunrise until sunset.
(5) In *Kansas,* each person desiring to hunt sandhill cranes is required to pass an annual, online sandhill crane identification examination.
(6) Hunting is by State permit only. See State regulations for further information.
(7) In *New Mexico,* in the Middle Rio Grande Valley Area (Bernardo WMA and Casa Colorado WMA), the season is only open for youth hunters on December 1. See State regulations for further details.
(8) In *New Mexico,* in the Estancia Valley Area, the season will be closed to crane hunting on October 31.

(9) In *Arizona,* in Zone 1, season dates are November 9 to 11, November 16 to 18, November 20 to 22, November 24 to 26, November 28 to 30, December 2 to 4, and December 7 to 9. November 9 to 11 is restricted to archery hunters only and December 7 to 9 is restricted to youth hunters only.

(10) In *Arizona,* in Zone 2, season dates are November 24 to 26, November 28 to 30, December 2 to 4, December 6 to 8, and December 10 to 12.

(11) In *Montana,* the possession limit is 2 per season.

■ 8. Section 20.107 is revised to read as follows:

§ 20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

Federally authorized, State-issued permits are issued to individuals, and only the individual whose name and address appears on the permit at the time of issuance is authorized to take swans at the level allowed by the permit, in accordance with provisions of both Federal and State regulations governing the hunting season. The permit must be carried by the permittee when exercising its provisions and must be presented to any law enforcement officer upon request. The permit is not transferable or assignable to another individual, and may not be sold, bartered, traded, or otherwise provided to another person. If the permit is altered or defaced in any way, the permit becomes invalid.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

Note: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season dates	Limits
ATLANTIC FLYWAY		
North Carolina	Nov. 10–Jan. 31	1 tundra swan per permit.
Virginia	Nov. 21–Jan. 31	1 tundra swan per permit.
CENTRAL FLYWAY (1)		
Montana	Sept. 29–Jan. 3	1 tundra swan per permit.
North Dakota	Sept. 29–Dec. 30	1 tundra swan per permit.
South Dakota	Sept. 29–Jan. 11	1 tundra swan per permit.
PACIFIC FLYWAY (1)		
Montana (2)	Oct. 6–Dec. 1	1 swan per season.
Nevada (3)(4)	Oct. 6–Jan. 6	2 swans per season.
Utah (4)(5)	Oct. 6–Dec. 9	1 swan per season.

(1) See State regulations for description of area open to swan hunting.

(2) In *Montana,* all harvested swans must be reported by way of a bill measurement card within 3 days of harvest.

(3) In *Nevada,* all harvested swans and tags must be checked or registered within 3 days of harvest.

(4) Harvests of trumpeter swans are limited to 5 in Nevada and 10 in Utah. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

(5) In *Utah,* all harvested swans and tags must be checked or registered within 3 days of harvest.

■ 9. Section 20.109 is revised to read as follows:

§ 20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations.

Area descriptions were published in the June 4, 2018, **Federal Register** (83 FR 25738).

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is three times the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons, unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

	Extended falconry dates
ATLANTIC FLYWAY	
Delaware:	
Doves	Feb. 1–Feb. 20.
Rails	Nov. 22–Jan. 3.
Woodcock	Oct. 1–Nov. 3 & Feb. 1–Mar. 9.
Ducks, mergansers, and coots	Jan. 27–Mar. 2.
Brant	Nov. 19–Dec. 1 & Jan. 27–Mar. 8.
Florida:	
Doves	Jan. 16–Feb. 1.
Rails	Nov. 10–Dec. 16.
Woodcock	Nov. 24–Dec. 17 & Feb. 1–Mar. 10.
Common moorhens	Nov. 10–Dec. 14.
Ducks, mergansers, light geese, and coots	Nov. 3–Nov. 12 & Feb. 4–Mar. 1.
Maine:	
Ducks, mergansers, and coots (1):	
North Zone	Dec. 22–Feb. 12.
South & Coastal Zones	Jan. 7–Feb. 27.
Maryland:	
Doves	Jan. 14–Jan. 31.
Rails	Nov. 22–Dec. 26.
Woodcock	Oct. 1–Oct. 26 & Feb. 4–Mar. 10.
Ducks	Jan. 30–Mar. 10.
Brant	Feb. 1–Mar. 10.
Light Geese	Feb. 26–Mar. 10.
Massachusetts:	
Ducks, mergansers, sea ducks, and coots	Jan. 11–Feb. 8.
New Hampshire:	
Ducks, mergansers, and coots:	
Northern Zone	Dec. 1–Jan. 14.
Inland Zone	Nov. 5–Nov. 20 & Dec. 17–Jan. 14.
Coastal Zone	Jan. 25–Mar. 10.
New Jersey:	
Woodcock:	
North Zone	Oct. 1–Oct. 19 & Dec. 3–Jan. 16.
South Zone	Oct. 1–Nov. 9 & Dec. 5–Dec. 12 & Jan. 2–Jan. 16.
Ducks, mergansers, coots, and brant:	
North Zone	Jan. 16–Mar. 9.
South Zone	Jan. 18–Mar. 9.
Coastal Zone	Jan. 27–Mar. 9.
New York:	
Ducks, mergansers and coots:	
Long Island Zone	Nov. 1–Nov. 21 & Nov. 23–Nov. 30 & Jan. 28–Feb. 13.
Northeastern Zone	Oct. 1–Oct. 5 & Oct. 29–Nov. 2 & Dec. 10–Jan. 13.
Southeastern Zone	Oct. 1–Oct. 5 & Oct. 15–Nov. 9 & Dec. 31–Jan. 13.
Western Zone	Oct. 1–Oct. 26 & Dec. 9–Dec. 25.
North Carolina:	
Doves	Oct. 13–Oct. 27.
Rails, moorhens, and gallinules	Dec. 1–Jan. 5.
Woodcock	Nov. 3–Dec. 1 & Feb. 1–Feb. 28.
Ducks, mergansers and coots	Oct. 23–Nov. 3 & Jan. 28–Feb. 16.
Pennsylvania:	
Doves	Nov. 26–Dec. 14.
Rails	Nov. 22–Jan. 3.
Woodcock and snipe	Sept. 1–Oct. 12 & Nov. 26–Dec. 8 & Dec. 19–Jan. 3.
Moorhens and gallinules	Nov. 22–Jan. 1.
Ducks, mergansers, and coots:	
North Zone	Nov. 19–Dec. 17 & Feb. 15–Mar. 9.
South Zone	Oct. 22–Nov. 19 & Feb. 15–Mar. 9.
Northwest Zone	Dec. 10–Dec. 22 & Jan. 30–Mar. 9.
Lake Erie Zone	Jan. 17–Mar. 9.
Canada Geese:	
SJBP Zone	Mar. 1–Mar. 9.
AP Zone	Feb. 1–Mar. 9.
RP Zone	Mar. 5–Mar. 9.
South Carolina:	
Ducks, mergansers, and coots	Oct. 31–Nov. 16 & Nov. 25–Dec. 7.
Virginia:	
Doves	Jan. 15–Jan. 31.
Woodcock	Oct. 17–Oct. 26 & Nov. 3–Dec. 7 & Jan. 15–Jan. 31.
Rails, moorhens, and gallinules	Nov. 17–Dec. 23.
Ducks, mergansers, and coots	Dec. 3–Dec. 14 & Jan. 28–Feb. 15.
Canada Geese:	
Eastern (AP) Zone	Dec. 15–Dec. 20 & Jan. 28–Feb. 20.
Western (SJBP) Zone	Dec. 15–Dec. 17 & Feb. 16–Feb. 20.
Brant	Oct. 17–Nov. 20 & Dec. 3–Dec. 14.
MISSISSIPPI FLYWAY:	
Arkansas:	

	Extended falconry dates
Ducks, mergansers, and coots	Feb. 1–Feb. 15.
Illinois:	
Doves	Nov. 15–Dec. 1.
Rails	Sept. 1–Sept. 7 & Nov. 17–Dec. 16.
Woodcock	Sept. 1–Oct. 19 & Dec. 4–Dec. 16.
Ducks, mergansers, and coots	Feb. 10–Mar. 10.
Indiana:	
Doves	Oct. 15–Oct. 31.
Woodcock	Sept. 20–Oct. 14 & Nov. 29–Jan. 4.
Ducks, mergansers, and coots:	
North Zone	Sept. 27–Sept. 30 & Feb. 14–Mar. 10.
Central Zone	Oct. 20–Oct. 26 & Feb. 17–Mar. 10.
South Zone	Oct. 27–Nov. 2 & Feb. 17–Mar. 10.
Iowa:	
Ducks, mergansers, and coots	Jan. 5–Feb. 2.
Kentucky:	
Ducks, mergansers, and coots	Nov. 26–Dec. 2 & Jan. 28–Feb. 15.
Louisiana:	
Doves	Sept. 15–Oct. 1.
Woodcock	Nov. 2–Dec. 17.
Rails and moorhens:	
West Zone	Nov. 2–Nov. 9 & Jan. 3–Jan. 31.
East Zone	Nov. 3–Nov. 9 & Jan. 3–Jan. 31.
Coastal Zone	Nov. 2–Nov. 9 & Jan. 3–Jan. 31.
Ducks:	
West Zone	Nov. 3–Nov. 9 & Dec. 3–Dec. 14 & Jan. 21–Jan. 31.
East Zone	Nov. 3–Nov. 16 & Dec. 3–Dec. 14 & Jan. 28–Jan. 31.
Coastal Zone	Nov. 3–Nov. 9 & Dec. 3–Dec. 14 & Jan. 21–Jan. 31.
Michigan:	
Ducks, mergansers, coots, and moorhens	Dec. 31–Jan. 12 & Feb. 23–Mar. 10.
Minnesota:	
Woodcock	Sept. 1–Sept. 21 & Nov. 6–Dec. 16.
Rails and snipe	Nov. 6–Dec. 16.
Doves	Nov. 30–Dec. 16.
Ducks, mergansers, coots, moorhens, and gallinules	Dec. 15–Jan. 29.
Mississippi:	
Doves	Nov. 14–Nov. 30.
Ducks, mergansers and coots	Feb. 3–Mar. 3.
Missouri:	
Doves	Nov. 30–Dec. 16.
Ducks, mergansers, and coots	Sept. 8–Sept. 23 & Feb. 10–Mar. 10.
Tennessee:	
Doves	Sept. 29–Sept. 30 & Jan. 16–Jan. 30.
Rails, moorhens, and gallinules	Nov. 10–Dec. 14.
Woodcock	Dec. 25–Feb. 15.
Ducks, mergansers, and coots	Nov. 26–Nov. 30 & Jan. 28–Feb. 24.
Wisconsin:	
Rails, snipe, moorhens, and gallinules:	
North Zone	Sept. 1–Sept. 28 & Nov. 28–Dec. 16.
South Zone	Sept. 1–Sept. 28 & Oct. 8–Oct. 12 & Dec. 3–Dec. 16.
Mississippi River Zone	Sept. 1–Sept. 28 & Oct. 6–Oct. 12 & Dec. 5–Dec. 16.
Woodcock	Sept. 1–Sept. 21 & Nov. 6–Dec. 16.
Ducks, mergansers, and coots	Sept. 15–Sept. 16 & Jan. 11–Feb. 17.
CENTRAL FLYWAY:	
Kansas:	
Ducks, mergansers, and coots:	
Low Plains	Feb. 24–Mar. 10.
Montana (2):	
Ducks, mergansers, and coots	Sept. 19–Sept. 28.
Nebraska:	
Ducks, mergansers, and coots:	
Zone 1	Feb. 25–Mar. 10.
Zone 2	Feb. 25–Mar. 10.
Zone 3	Feb. 25–Mar. 10.
Zone 4	Feb. 25–Mar. 10.
New Mexico:	
Doves	
North Zone	Nov. 30–Dec. 4 & Dec. 22–Jan. 2.
South Zone	Oct. 29–Nov. 5 & Nov. 22–Nov. 30.
Ducks and coots	Sept. 15–Sept. 23.
Sandhill cranes (3)	
Regular Season Area	Oct. 13–Oct. 26.
Estancia Valley Area	Nov. 5–Dec. 25.
Common moorhens	Nov. 24–Dec. 30.
Sora and Virginia rails	Nov. 24–Dec. 30.
North Dakota:	
Ducks, mergansers, coots, and snipe	Sept. 3–Sept. 7 & Sept. 10–Sept. 14.
Oklahoma:	

	Extended falconry dates
Doves	Feb. 22–Mar. 10.
Ducks, mergansers, and coots:.	
Low Plains	Feb. 18–Mar. 4.
Gallinules and rails	Feb. 2–Mar. 10.
Woodcock	Dec. 15–Feb. 14.
Sandhill cranes	Jan. 21–Feb. 3.
South Dakota:	
Ducks, mergansers, and coots:.	
High Plains	Sept. 1–Sept. 8.
Low Plains:.	
North Zone	Sept. 1–Sept. 28 & Dec. 12–Dec. 16.
Middle Zone	Sept. 1–Sept. 28 & Dec. 12–Dec. 16.
South Zone	Oct. 5–Oct. 26 & Jan. 2–Jan. 10.
Texas:	
Doves	Nov. 17–Dec. 3.
Rails, gallinules, and woodcock	Jan. 28–Feb. 11.
Ducks, mergansers, and coots:.	
Low Plains	Jan. 28–Feb. 11.
Wyoming:	
Doves	Nov. 30–Dec. 16.
Rails	Nov. 10–Dec. 16.
Ducks, mergansers, and coots	
Zone C1	Sept. 22–Sept. 23 & Oct. 17–Oct. 24.
Zone C2 & C3	Sept. 15–Sept. 21 & Dec. 3–Dec. 5.
PACIFIC FLYWAY:	
Arizona:	
Doves	Sept. 16–Nov. 1.
Ducks, mergansers, coots, and moorhens:	
North Zone	Oct. 1–Oct. 4.
South Zone	Jan. 28–Jan. 31.
California:	
Ducks, mergansers, coots, and moorhens:	
Colorado River Zone	Jan. 28–Jan. 31.
Southern Zone	Jan. 28–Feb. 1.
Southern San Joaquin Valley Zone	Jan. 28–Jan. 30.
Geese:	
Southern Zone (4)	Jan. 28–Feb. 1.
New Mexico	
Doves:	
North Zone	Nov. 30–Dec. 4 & Dec. 22–Jan. 2.
South Zone	Oct. 29–Nov. 5 & Nov. 22–Nov. 30.
Oregon	
Doves	Oct. 31–Dec. 16.
Band-tailed pigeons (5)	Sept. 1–Sept. 14 & Sept. 24–Dec. 16.
Utah:	
Doves	Oct. 31–Dec. 16.
Band-tailed pigeons	Sept. 15–Dec. 16.
Washington:	
Doves	Oct. 31–Dec. 16.
Ducks, mergansers, coots, and dark geese:	
East Zone	Sept. 29–Sept. 30.
West Zone	Sept. 22–Sept. 23.
Wyoming:	
Doves	Nov. 30–Dec. 16.
Sora and Virginia rails	Nov. 10–Dec. 16.
Ducks, mergansers, and coots	Sept. 15–Sept. 16.

(1) In *Maine,* the daily bag and possession limits for black ducks are 1 and 3, respectively.
(2) In *Montana,* the bag limit is 2 and the possession limit is 6.
(3) In *New Mexico,* the bag limit for sandhill cranes is 3 per day and the possession limit is 6 per season.
(4) In *California,* in the Imperial County Special Management Area, there is no extended falconry season.
(5) In *Oregon,* no more than 1 pigeon daily in bag or possession.

[FR Doc. 2018–17321 Filed 8–13–18; 8:45 am]

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