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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1188; Airspace Docket No. 17–AEA–23]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace; Wrightstown, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on July 10, 2018, amending Class D and Class E airspace at McGuire Field (Joint Base McGuire-Dix-Lakehurst), and Class E airspace extending upward from 700 feet above the surface by updating the name and geographic coordinates of Ocean County Airport (formerly Robert J. Miller Airpark, Toms River, NJ). The document incorrectly identified Wrightstown, PA in the title. This action corrects the error to Wrightstown, NJ.

DATES: Effective 0901 UTC, September 13, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (83 FR 31857, July 10, 2018) for Doc. No. FAA–2017–1188, amending Class D airspace, Class E airspace designated as an extension to a Class D surface area, and Class E airspace extending upward from 700 feet or more above the surface at McGuire Field (Joint Base McGuire-Dix-Lakehurst), Wrightstown, NJ (formerly McGuire AFB (Joint Base McGuire-Dix-Lakehurst), and Ocean County Airport, (formerly Robert J. Miller Airpark). The title incorrectly listed Wrightstown, PA. The title should read Wrightstown, NJ. This action corrects the error.

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

Correction to Final Rule

■ Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of July 10, 2018 (83 FR 31857) FR Doc. 2018–14668, Amendment of Class D Airspace, and Class E Airspace for Wrightstown, NJ, is corrected as follows:

§ 71.1 [Amended]

AEA NJ D Wrightstown, NJ [Corrected]

On page 31857, column 1 line 32, remove Wrightstown, PA and add in its place Wrightstown, NJ.

Issued in College Park, Georgia, on August 15, 2018.

Ken Brissenden,

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

[FR Doc. 2018–18036 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0328; Airspace Docket No. 18–ASO–7]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace, and Revocation of Class E Airspace: New Smyrna Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace and Class E airspace extending upward from 700 feet or more above the surface, and removes Class E airspace designated as an extension to a Class D surface area at New Smyrna Beach Municipal Airport, New Smyrna Beach, FL. This action accommodates airspace reconfiguration due to the decommissioning of New Smyrna Beach non-directional beacon radio (NDB), and cancellation of the NDB approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport. This action also updates the geographic coordinates of the airport, and Massey Ranch Airpark, and replaces the outdated term Airport/Facility Directory with the term Chart Supplement in the legal description of Class D airspace.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and Class E airspace, and removes Class E airspace at New Smyrna Beach Municipal Airport, New Smyrna Beach, FL, to support standard instrument approach procedures for IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 25973, June 5, 2018) for Docket No. FAA–2018–0328 to amend Class D airspace and Class E airspace area extending upward from 700 feet or more above the surface, and remove Class E extension airspace at New Smyrna Beach Municipal Airport, New Smyrna Beach, FL, as the New Smyrna Beach NDB has been decommissioned and the NDB approach cancelled.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) amends part 71 by:

Amending Class D airspace, at New Smyrna Beach Municipal Airport, New Smyrna Beach, FL, by adjusting the geographic coordinates to be in concert with the FAA's aeronautical database; making an editorial change to the airspace legal description replacing Airport/Facility Directory with Chart Supplement;

Removing Class E extension airspace as the airspace is no longer needed due to the airspace redesign; and

Amending Class E airspace area extending upward from 700 feet or more above the surface to within a 6.8-mile (increased from a 6.6-mile) radius of at New Smyrna Beach Municipal Airport, New Smyrna Beach, FL, and removing the extension southeast of the airport, as the New Smyrna Beach NDB has been decommissioned and the NDB approach cancelled. This action also updates the geographic coordinates of the airport and Massey Ranch Airpark to be in concert with the FAA's aeronautical database.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D New Smyrna Beach, FL [Amended]

New Smyrna Beach Municipal Airport, FL
(Lat. 29°03′21″ N, long. 80°56′56″ W)

That airspace extending upward from the surface to but not including 1,200 feet MSL, within a 3.2-mile radius of New Smyrna Beach Municipal Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO FL E4 New Smyrna Beach, FL [Removed]

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

* * * * *

ASO FL E5 New Smyrna Beach, FL [Amended]

New Smyrna Beach Municipal Airport, FL
Lat. 29°03′21″ N, long. 80°56′56″ W)
Massey Ranch Airpark, FL
(Lat. 28°58′44″ N, long. 80°55′29′ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of New Smyrna Beach Municipal Airport, and within a 6.5-mile radius of Massey Ranch Airpark.

Issued in College Park, Georgia, on August 15, 2018.

Ken Brissenden,

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

[FR Doc. 2018–18035 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1159; Airspace Docket No. 17–ASO–23]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace; Jacksonville, NC and Establishment of Class D Airspace; Jacksonville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace at New River Marine Corps Air Station (MCAS), at Jacksonville, NC, by removing Albert J. Ellis Airport, Jacksonville, NC, from the legal description, and establishing Albert J. Ellis Airport under its own designation. This is an editorial change that continues to provide the controlled airspace required for the new air traffic control tower at Albert J. Ellis Airport for the safety and management of instrument flight rules (IFR) operations. This action also updates the geographic coordinates of New River MCAS in Class D and E airspace, replaces the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'', and makes an editorial change to the airspace designation.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class D and E airspace at New River MCAS, and establishes Class D airspace at Albert J. Ellis Airport, Jacksonville, NC, to support IFR operations at these airports.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (83 FR 9243, March 5, 2018) for Docket No. FAA–2017–1159 to amend Class D airspace, and Class E airspace designated as an extension to a Class D surface area at New River MCAS and Albert J. Ellis Airport, Jacksonville, NC. Subsequent to publication, the FAA determined that establishment of Albert J. Ellis Airport in Class D airspace, associated with the New River MCAS, should be established under its own designation, thereby removing Albert J. Ellis Airport, Jacksonville, NC, from the New River MCAS Class D airspace description. This is merely an editorial change and does not alter the boundaries or operating requirements of the airspace. Except for this change, this rule is the same as published in the NPRM.

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

While the Aircraft Owners and Pilots Association (AOPA) supported this proposal, they stated that the NPRM did not comply with FAA guidance in Order 7400.2L, Procedures for Handling Airspace Matters, because a graphic was not included in the docket. Additionally, AOPA encouraged the FAA to follow their guidance in the Order by making the action effective date coincidental to the sectional chart publication date.

The FAA has determined AOPA's comments raised no substantive issues with respect to the proposed changes to the airspace addressed in the NPRM. To the extent the FAA failed to follow its policy guidance reference publishing graphics in the docket and the amendment of the Class D airspace effective date to match the sectional chart date, we note the following.

With respect to AOPA's comment addressing graphics, FAA Order 7400.2.L, paragraph 2–3–3.c. requires the official docket to include available graphics. For this airspace action, no graphics were deemed necessary or produced in the review or development of the proposed airspace amendments noted in the NPRM; therefore, no graphics were available to include in the docket.

Specific to AOPA's comment regarding the FAA already creating a graphical depiction of new or modified airspace overlaid on a Sectional Chart for quality assurance purposes, this is not correct nor required in all cases. During the airspace reviews, airspace graphics may be created, if deemed necessary, to determine if there are any terrain issues, or if cases are considered complex. However, in many cases, when developing an airspace amendment proposal, a graphic is not required. It was unclear if the graphic AOPA argued was already created with a sectional chart background was actually the airspace graphic created by the Aeronautical Informational Services office in preparation of publishing the sectional charts. However, that graphic is normally created after the rulemaking determination is published.

With respect to AOPA's comment addressing effective dates, FAA Order 7400.2L, paragraph 2–3–7.a.4. states that, to the extent practicable, Class D airspace area and restricted area rules should become effective on a sectional chart date and that consideration should be given to selecting a sectional chart date that matches a 56-day enroute chart cycle date. The FAA does consider publishing Class D airspace amendment effective dates to coincide with the

publication of sectional charts, to the extent practicable; however, this consideration is accomplished after the NPRM comment period ends in the Final Rule. Substantive comments received to NPRMs, flight safety concerns, management of IFR operations at affected airports, and immediacy of required proposed airspace amendments are some of the factors that must be taken into consideration when selecting the appropriate effective date. After considering all factors, the FAA may determine that selecting an effective date that conforms to a 56-day enroute chart cycle date that is not coincidental to sectional chart dates is better for the National Airspace System and its users than awaiting the next sectional chart date. Class D and E airspace designations are published in paragraph 5000 and 6004, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2016. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class D airspace and Class E airspace designated as an extension at New River MCAS, Jacksonville, NC, by amending the geographic coordinates of New River MCAS to coincide with the FAA's aeronautical database.

Also, an editorial change is made to the airspace designation removing the city associated with New River MCAS in Class D airspace and Class E airspace designated as an extension, to comply with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters. An editorial change also is made to the legal description of New River MCAS for the classes above replacing ''Airport/Facility Directory'' with ''Chart Supplement''.

Additionally, an editorial change is made moving establishment of the Albert J. Ellis Airport Class D airspace description from the Jacksonville, NC airspace associated with New River MCAS, and establishing the airspace under its own designation at Jacksonville, NC.

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

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO NC D Jacksonville, NC [Amended]

New River MCAS, NC
(Lat. 34°42′30″ N, long. 77°26′23″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 5-mile radius of New River MCAS. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

ASO NC D Jacksonville, NC [New]

Albert J. Ellis Airport, NC
(Lat. 34°49′45″ N, long. 77°36′44″ W)

That airspace extending upward from the surface to and including 2,600 feet MSL within a 4.2-mile radius of Albert J. Ellis Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO NC E4 Jacksonville, NC [Amended]

New River MCAS, NC
(Lat. 34°42′30″ N, long. 77°26′23″ W)
New River TACAN
(Lat. 34°42′26″ N, long. 77°26′25″ W)

That airspace extending upward from the surface within 3.2 miles each side of New River TACAN 239° radial, extending from the 5-mile radius of New River MCAS to 7 miles southwest of the TACAN. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Issued in College Park, Georgia, on August 14, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–18043 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 183

[Docket ID: DOD–2017–OS–0053]

RIN 0790–AK05

Defense Support of Special Events

AGENCY: Under Secretary of Defense for Policy, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes the Department of Defense (DoD) regulation concerning defense support of special events. This part contains internal DoD policy and procedures and assigns responsibilities for support of civil authorities and qualifying entities during the conduct of special events; therefore, it does not require codification. DoD will remove this part but is providing notice published elsewhere in this issue of the **Federal Register** to inform the public how civil authorities and qualifying entities may submit requests for special event support.

DATES: This rule is effective on August 23, 2018.

FOR FURTHER INFORMATION CONTACT: Carol Corbin at 571–256–8319.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available on the Department's issuance website.

DoD internal guidance concerning defense support of special events will continue to be published in DoD Instruction 3025.20, ''Defense Support of Special Events,'' available at *http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/302520p.pdf*.

Concurrent to the part being removed, DoD, in order to comply with 5 U.S.C. 552(a), is providing notice in the **Federal Register** to inform the public how to submit requests for special event support.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review''; therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 183

Armed Forces.

PART 183—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 183 is removed.

Dated: August 20, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–18228 Filed 8–22–18; 8:45 am]

BILLING CODE 5001–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2016–0414, FRL–9982–80—Region 2]

Approval of Air Quality Implementation Plans; New York; Fuel Composition and Use—Sulfur Limitations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the New York State Implementation Plan (SIP) concerning sulfur-in-fuel limits. The intended effect of this revision is to add a regulatory mechanism for meeting the existing obligations related to regional haze. The SIP revision consists of amendments to Title 6 of the New York Codes, Rules and Regulations and also removes obsolete provisions from the Code of Federal Regulations (CFR) relating to New York's sulfur-in-fuel regulation.

DATES: This final rule is effective on September 24, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2016–0414. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *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 *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381, or by email at *wieber.kirk@epa.gov*.

SUPPLEMENTARY INFORMATION:

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I. Background
II. EPA's Evaluation of New York's Submittal
III. Comments Received in Response to EPA's Proposed Action
IV. Summary of EPA's Final Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background

The EPA is approving New York's State Implementation Plan (SIP) submittal consisting of revisions to Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Section 200.1, ''Definitions,'' which adds a definition for waste oil. EPA is approving, with limitations, Subpart 225–1, ''Fuel Composition and Use—Sulfur Limitations,'' as contributing to attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter less than or equal to 2.5 microns in diameter ($PM_{2.5}$) and the NAAQS for sulfur dioxide (SO_2), and establishing a revised regulatory mechanism for New York's regional haze SIP. The EPA's approval of New York's sulfur-in-fuel regulation into the SIP does not alter the EPA's prior action on New York's Regional Haze SIP, which includes emission reductions related to the sulfur-in-fuel requirements of section 19–0325 of the Environmental Conservation Law (ECL). 77 FR 51915 (August 28, 2012). The EPA is approving these revisions, requested by New York, as strengthening the effectiveness of New York's SIP.

Pursuant to 40 CFR part 51, the EPA also is removing a section from 40 CFR 52.1675 which lists sulfur limitations for various facilities in New York. EPA has determined that these limitations have expired and/or refer to sources which have been shut down. That determination was reflected in EPA's reformatting exercise that ensured that all revisions to the New York State SIPs are accurately reflected in 40 CFR part 52, including 40 CFR 52.1670(d), ''EPA approved State source-specific requirements.'' 76 FR 41705 (July 15, 2011). In addition, the sulfur-in-fuel rule proposed for approval here requires the use of lower sulfur fuel, with lower sulfur concentrations than the limits listed in 40 CFR 52.1675. The EPA is therefore removing the existing sulfur limitations in 40 CFR 52.1675 as they are superfluous and obsolete. The EPA is also revising 40 CFR 52.1675(e) to conform with the new nomenclature in New York's revised Subpart 225–1 that is being approved with this action.

II. EPA's Evaluation of New York's Submittal

On June 12, 2013, New York State Department of Environmental Conservation (NYSDEC) submitted to the EPA the proposed revisions to Section 200.1 and Subpart 225–1 and supplemental materials, including documentation of the comment period and public hearings, and NYSDEC's responses to public comments. These materials are in the EPA's docket for this proposal. On June 26, 2018 (83 FR 29723) EPA proposed approval of New York's SIP revision consisting of amendments to Title 6 of the New York Codes, Rules and Regulations Subpart 225–1, ''Fuel Composition and Use—Sulfur Limitations'' and Section 200.1, ''Definitions.'' EPA also proposed to remove an obsolete provision from the Code of Federal Regulations (CFR) related to facility specific sulfur-in-fuel limits. A detailed discussion of the revised sulfur-in-fuel limits, exceptions, and variances and EPA's evaluation of the revisions to Subpart 225–1 and to the CFR can be found in the June 26, 2018 proposal and will not be restated here.

III. Comments Received in Response to EPA's Proposed Action

In response to EPA's June 26, 2018 proposed approval of the revisions to Section 200.1, Subpart 225–1 and the CFR, EPA received one comment from the public during the 30-day public comment period. After reviewing the comment, EPA has determined that the comment is outside the scope of our proposed action or fails to identify any material issue necessitating a response. The comment does not raise issues germane to the EPA's proposed action. For this reason, the EPA will not provide a specific response to the comment. The comment may be viewed under Docket ID Number EPA–R02–OAR–2016–0414 on the *http://www.regulations.gov* website.

IV. Summary of EPA's Final Action

The EPA is approving the revisions to New York's Title 6 of the New York Codes, Rules and Regulations Section 200.1, ''Definitions,'' and Subpart 225–1, ''Fuel Composition and Use—Sulfur Limitations,'' both effective on April 5, 2013, into New York's SIP as strengthening enforcement of the State's air pollution control regulations. Exceptions or variances adopted by New York pursuant to the provisions of sections 225.1.3 and 225.1.4(b) are federally enforceable only if approved by the EPA as SIP revisions.

In addition, EPA has determined that the provisions in New York's SIP at 40 CFR 52.1675(d), (f) and (g) have either expired or the affected sources have shut down and that the 52.1675 requirements are therefore superfluous and obsolete. The EPA is removing the provisions of 52.1675(d), (f) and (g) from the SIP. The EPA is also revising 40 CFR 52.1675(e) to conform with the new nomenclature in New York's revised Subpart 225–1 that is being approved with this action.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the provisions described above in Section IV of this action. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this 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**.

[1] 62 FR 27968 (May 22, 1997).

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 22, 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, Sulfur oxides.

Dated: August 8, 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 HH—New York

■ 2. In § 52.1670, the table in paragraph (c) is amended by revising two entries entitled ''Title 6, Part 200, Subpart 200.1'' and ''Title 6, Part 225, Subpart 225–1'' to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS

State citation	Title/subject	State effective date	EPA approval date	Comments
Title 6, Part 200, Subpart 200.1	General Provisions, Definitions ...	4/5/2013	8/23/2018	The word odor is removed from the Subpart 200.1(d) definition of ''air contaminant or air pollutant.'' Redesignation of non-attainment areas to attainment areas (200.1(av)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYSDEC. Changes in definitions are acceptable to EPA unless a previously approved definition is necessary for implementation of an existing SIP regulation. EPA is including the definition of ''federally enforceable'' with the understanding that (1) the definition applies to provisions of a Title V permit that are correctly identified as federally enforceable, and (2) a source accepts operating limits and conditions to lower its potential to emit to become a minor source, not to ''avoid'' applicable requirements. EPA is approving incorporation by reference of those documents that are not already federally enforceable. EPA approval finalized at [Insert **Federal Register** citation].
*	*	*	*	* * *
Title 6, Part 225, Subpart 225–1 ...	Fuel Composition and Use-Sulfur Limitations.	4/5/2013	8/23/2018	• Exceptions or Variances adopted by the State pursuant to §§ 225.1.3 and 1.4(b) become applicable only if approved by EPA as SIP revisions (40 CFR 52.1675(e)). • EPA approval finalized at [Insert **Federal Register** citation].
*	*	*	*	* * *

* * * * *

■ 3. Amend § 52.1675 by:

■ a. Removing and reserving paragraph (d);

■ b. Revising paragraph (e); and

■ c. Removing paragraphs (f) and (g).

The revisions read as follows:

§ 52.1675 Control strategy and regulations: Sulfur oxides.

* * * * *

(d) [Reserved]

(e) Any exception or variance promulgated by the Commissioner under 6 NYCRR Sections 225–1.3 and 1.4(b) shall not exempt any person from the requirements otherwise imposed by 6 NYCRR Subpart 225–1; provided that the Administrator may approve such exception or variance as a plan revision when the provisions of this part, section 110 (a)(3)(A) of the Act, and 40 CFR part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such exception or variance.

[FR Doc. 2018–18115 Filed 8–22–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2018–0307; FRL–9982–07—Region 7]

Air Plan Approval; Nebraska; Revisions to Title 115 of the Nebraska Administrative Code; Rules of Practice and Procedure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Nebraska State Implementation Plan (SIP) addressing the legal practices and procedures that govern the Nebraska Department of Environmental Quality (NDEQ) relating to public record law and the State's Administrative Procedure Act. The State revised their regulations based on legislative amendments to the State's Administrative Procedure Act and the public record laws which imposed additional requirements on the Nebraska Department of Environmental Quality. Specifically, revisions are being made to definitions, filings and correspondence, public record availability and confidentiality, public hearings, contested cases, emergency proceeding hearings, declaratory rulings, rulemaking and variances. These revisions do not impact air quality, do not revise emission limits or procedures, nor do they impact the State's ability to attain or maintain the National Ambient Air Quality Standards.

DATES: This final rule is effective on September 24, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2018–0307. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Greg Crable, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7391, or by email at *crable.gregory@epa.gov*.

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

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

I. What is being addressed in this document?

EPA is taking final action to approve revisions to the SIP submitted by the State of Nebraska on August 28, 2014. This action will amend the SIP to revise title 115 of the Nebraska Administrative Code. Title 115 addresses the legal practices and procedures that govern the Nebraska Department of Environmental Quality (NDEQ) relating to public record law and the State's Administrative Procedure Act. EPA proposed approval of Nebraska's SIP submission in its action published in the **Federal Register** on June 5, 2018, at 83 FR 25977. The last revision to title 115, Rules of Practice and Procedure, was approved on January 4, 1995, at 60 FR 372. Since that time, the legislature has amended the Administrative Procedure Act and the public record laws which impose additional requirements on NDEQ. NDEQ has adopted the revisions to title 115 and has requested EPA amend the SIP.

This action amends the SIP by revising chapter 1, Definitions of Terms; chapter 2, Filings and Correspondence; chapter 3, Public Records Availability; chapter 4, Public Records Confidentiality; chapter 5, Public Hearings; chapter 7, Contested Cases; chapter 8, Emergency Proceeding Hearings; chapter 9, Declaratory Rulings; and chapter 10, Rulemaking. Also, this action approves the revision to the chapter titles for chapters 2, 4, 8, 9 and 10. No revisions are being made to chapter 6, Voluntary Compliance. Chapter 11, Variances, is being deleted. The revisions to title 115 are numerous and can be found in the August 28, 2014 State submission which is part of the docket.

Specifically, the changes to chapters 1, 2, 7, 8, 9 and 10 conform regulatory language to the Attorney General's model rules. Revisions to chapters 3 and 5 better describe the procedures already in place by practice for obtaining public records and public hearings on permit decisions or fact-finding hearings that are required by law. Revisions to chapter 4 clarify the procedures for asserting a claim of confidentiality trade secrets. Finally, chapter 11 is being deleted from title 115 because it is duplicative and found in chapter 33 of title 129.

EPA is approving these revisions as they are not fundamentally different from a procedural standpoint from existing rules. These revisions do not impact air quality. The revisions do not revise emission limits or procedures, nor do they impact the state's ability to attain or maintain the National Ambient Air Quality Standards.

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

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The revised title 115 chapters were placed on public notice on January 30, 2004, and a public hearing was held by the NDEQ on March 5, 2004. During the public hearing NDEQ received three comments. NDEQ addressed each of the comments and made no change to the rule based on comments received. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above, and as demonstrated in the documents in the docket, the revisions meet the substantive SIP requirements of the Clean Air Act (CAA), including section 110 and implementing regulations.

III. Response to Comments

The EPA proposed action on this SIP, published in the **Federal Register** on June 5, 2018, (83 FR 25977) received no comments.

IV. What action is EPA taking?

EPA is taking final action to amend the Nebraska SIP. This action will amend the SIP to revise title 115 of the Nebraska Administrative Code ''Nebraska Rules of Practice and Procedure.'' The revisions to title 115 update the NDEQ rules of practice and procedure to incorporate legislative changes that have been made to the State's Administrative Procedure Act and the public record laws.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Nebraska Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the 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 of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

Dated: August 16, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CC—Nebraska

■ 2. Amend § 52.1420(c) by:

■ a. Revising the entries for citations 115–1, 115–2, 115–3, 115–4, 115–5, 115–7, 115–8, 115–9, and 115–10;

■ b. Removing the entry for citation 115–11.

The revisions read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA approval date	Explanation
STATE OF NEBRASKA				
Department of Environmental Quality				

[1] 62 FR 27968 (May 22, 1997).

EPA-APPROVED NEBRASKA REGULATIONS—Continued

Nebraska citation	Title	State effective date	EPA approval date	Explanation
*	*	*	*	*
Title 115—Rules of Practice and Procedure				
115–1	Definitions of Terms	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–2	Petition for Declaratory Order	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–3	Public Records Availability	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–4	Confidentiality for Trade Secrets	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–5	Public Hearings	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
*	*	*	*	*
115–7	Contested Cases	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–8	Intervention in a Contested Case	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–9	Ex Parte Communications Prohibited.	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
115–10	Petition for Rulemaking	6/8/2004	8/23/2018, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2018–18104 Filed 8–22–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2018–0188; FRL–9982–06—Region 7]

Approval of Nebraska Air Quality Implementation Plan; Particulate Emissions; Limitations and Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP) submitted on July 14, 2014, by the State of Nebraska. This final action will amend the SIP to include revisions to title 129 of the Nebraska Administrative Code, chapter 20 ''Particulate Emissions; Limitations and Standards''. The revisions make clear that the emission rates in the rule apply to applicable sources except when a more stringent Federal rule or limit in a construction permit exists. Other minor administrative revisions are also being made. Approval of these revisions will not impact air quality, ensures consistency between the State and Federally approved rules, and ensures Federal enforceability of the State's rules.

DATES: This final rule is effective on September 24, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2018–0188. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Greg Crable, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7391, or by email at *crable.gregory@epa.gov*.

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

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP Revision been met?
III. EPA's Response to Comments.
IV. What action is EPA taking?
V. Incorporation by Reference.
VI. Statutory and Executive Order Reviews.

I. What is being addressed in this document?

EPA is approving amendments to Nebraska's SIP to include revisions to title 129 of the Nebraska Administrative Code, chapter 20, ''Particulate Emissions; Limitations and Standards'' submitted to EPA on July 14, 2014. EPA proposed approval of the State's submission in its action published in the **Federal Register** on June 5, 2018 at 83 FR 25975. The chapter 20 revisions provide clarity to the chapter. The revisions to chapter 20, being addressed in this action, were submitted as a part of a larger package, revising other title 129 chapters, submitted at the same time as the July 14, 2014 submittal. On April 6, 2018, EPA took final action on two title 129 chapters, chapter 1 ''Definitions'', and chapter 15 ''Operating Permit Modifications; Reopening for Cause.'' In that final action, EPA stated it would take action separately on chapter 20. *See* 83 FR 14762. EPA is now taking a final action to approve revisions to chapter 20. The revisions to chapter 20 are described below.

Nebraska's Department of Environmental Quality (NDEQ)

approved the revision to the chapter title by removing,''(EXCEPTIONS DUE TO BREAKDOWNS OR SCHEDULED MAINTENANCE: SEE CHAPTER 35)'' and replacing it with a stand alone statement of exception that reads: ''For exceptions due to breakdowns or scheduled maintenance: see Chapter 35—COMPLIANCE; EXCEPTIONS DUE TO STARTUP, SHUTDOWN, OR MALFUNCTION.'' In addition, the submitted revision removes a footnote to table 20–2, making it a stand alone section numbered *007* and finally, the revision will add *008* clarifying that section *001* and *002* of chapter 20 applies unless a more stringent particulate matter standard is specified in the underlying requirments of an applicable Federal rule or is specified within a construction permit issued under title 129.

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

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened on June 5, 2018, the date of its publication in the **Federal Register**, and closed on July 5, 2018. During this period, EPA received four comments. After reviewing the comments, the EPA has determined that the comments are outside the scope of our proposed rule and fails to identify any material issue necessitating a response. Accordingly, the EPA will not provide a specific response to the comments. We note that the public comments received on this rulemaking action are available for review by the public and may be viewed by following the instructions for access to docket materials as outlined in the **ADDRESSES** section of this preamble.

IV. What action is EPA taking?

EPA is taking final action to amend the Nebraska SIP, to include revisions to title 129, chapter 20 as submitted by NDEQ on July 14, 2014.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Nebraska Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the 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 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 22, 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).)

[1] 62 FR 27968 (May 22, 1997).

List of Subjects in 40 CFR Part 52

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

Dated: August 16, 2018.

James B. Gulliford,

Regional Administrator, Region 7.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart CC—Nebraska

■ 2. Amend § 52.1420(c) by revising the entry for citation ''129–20'' to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c)* * *

EPA-APPROVED NEBRASKA REGULATIONS

Nebraska citation	Title	State effective date	EPA Approval date	Explanation
STATE OF NEBRASKA				
Department of Environmental Quality				
Title 129—Nebraska Air Quality Regulations				
*	*	*	*	*
129–20	Particulate Emissions; Limitations and Standards.	5/13/2014	8/23/2018, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2018–18103 Filed 8–22–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1709–N]

RIN 0938–ZB49

Medicare Program; Certain Changes to the Low-Volume Hospital Payment Adjustment Under the Hospital Inpatient Prospective Payment Systems (IPPS) for Acute Care Hospitals for Fiscal Years 2011 Through 2017

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Application of a payment adjustment.

SUMMARY: This document announces changes to the payment adjustment for low-volume hospitals under the hospital inpatient prospective payment systems (IPPS) for acute care hospitals for fiscal years (FYs) 2011 through 2017 in accordance with section 429 of the Consolidated Appropriations Act, 2018.

DATES: *Effective date:* August 22, 2018.

Applicability date: The provisions described in this document are applicable for discharges on or after October 1, 2010, and on or before September 30, 2017, in accordance with section 429 of the Consolidated Appropriations Act, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Hudson, (410) 786–5490.; Mark Luxton, (410) 786–4530.

SUPPLEMENTARY INFORMATION:

I. Background

On March 23, 2018 the Consolidated Appropriations Act, 2018 (Pub. L. 115–141) was enacted. Section 429 of the Consolidated Appropriations Act, 2018 makes certain changes to the payment adjustment for low-volume hospitals for fiscal years (FYs) 2011 through 2017 relating to the application of the mileage criterion for Indian Health Service and non-Indian Health Service facilities.

II. Provisions of the Document

A. Changes to the Payment Adjustment for Low-Volume Hospitals in FYs 2011 Through 2017

1. Background

Section 1886(d)(12) of the Act provides for an additional payment to each qualifying low-volume hospital under the Hospital Inpatient Prospective Payment Systems (IPPS) for Acute Care Hospitals beginning in FY 2005. CMS implemented this provision in the regulations at 42 CFR 412.101. The payment adjustment to a low-volume hospital provided for under section 1886(d)(12) of the Act is ''[i]n addition to any payment calculated under this section.'' Therefore, meaning the payment adjustment is based on the per discharge amount paid to the qualifying hospital under section 1886 of the Act. In other words, the low-volume hospital payment adjustment is based on total per discharge payments made under section 1886 of the Act, including capital, disproportionate share hospital (DSH), indirect medical education (IME), and outlier payments. For sole community hospitals (SCHs) and Medicare-dependent hospitals (MDHs), the low-volume hospital payment adjustment is based in part on either the Federal rate or the hospital-specific rate, whichever results in a greater operating IPPS payment.

The Affordable Care Act amended section 1886(d)(12) of the Act by modifying the definition of a low-volume hospital and the methodology for calculating the payment adjustment for low-volume hospitals, effective only for discharges occurring during FYs 2011 and 2012, and subsequent legislation extended those temporary modifications through FY 2018. (The most recent statutory extension of those temporary changes to the low-volume hospital payment policy was for FY 2018 and is discussed in a document

(CMS 1677–N) that appeared in the April 26, 2018 **Federal Register** (83 FR 18301).) Specifically, those provisions amended the qualifying criteria for low volume hospitals under section 1886(d)(12)(C)(i) of the Act to specify that, for FYs 2011 through 2018, a subsection (d) hospital qualifies as a low-volume hospital if it is more than 15 road miles from another subsection (d) hospital and has less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under Part A during the fiscal year. In addition, these provisions amended section 1886(d)(12)(D) of the Act to provide that for FYs 2011 through 2018, the low-volume hospital payment adjustment (that is, the percentage increase) is to be determined using a continuous linear sliding scale ranging from 25 percent for low-volume hospitals with 200 or fewer discharges of individuals entitled to, or enrolled for, benefits under Part A in the fiscal year to zero percent for low-volume hospitals with greater than 1,600 discharges of such individuals in the fiscal year. (We note that under § 412.101(b)(2)(ii), for FYs 2011 through 2017, a hospital's Medicare discharges from the most recently available MedPAR data, as determined by CMS, are used to determine whether the hospital meets the discharge criterion to receive the low volume hospital payment adjustment in the applicable fiscal year. In the FY 2019 IPPS/LTCH PPS final rule, we finalized conforming changes to this provision to reflect that the low-volume hospital payment adjustment policy in effect for FY 2018 is the same low-volume hospital payment adjustment policy in effect for FYs 2011 through 2017 (83 FR 41144, August 17, 2018).

2. Treatment of Indian Health Service and Non-Indian Health Service Facilities

Section 1886(d)(12)(C) of the Act requires that, in order to qualify for the low volume hospital payment adjustment, a hospital must be located more than a specified number of miles from the nearest subsection (d) hospital (referred to as the mileage criterion, which is implemented at § 412.101(b)(2)). Since CMS considers Indian Health Service (IHS) and Tribal hospitals (collectively referred to here as ''IHS hospitals'') to be subsection (d) hospitals, for the reasons discussed in the FY 2018 IPPS/LTCH PPS final rule (82 FR 38188 through 38189), we adopted a parallel adjustment at § 412.101(e) which specifies that, for discharges occurring in FY 2018 and subsequent years, only the distance between IHS hospitals would be considered when assessing whether an IHS hospital meets the mileage criterion under § 412.101(b)(2), and similarly, only the distance between non-IHS hospitals would be considered when assessing whether a non-IHS hospital meets the mileage criterion under § 412.101(b)(2).

While the policy finalized in the FY 2018 IPPS/LTCH PPS final rule addresses FY 2018 and subsequent fiscal years, section 429 of the Consolidated Appropriations Act, 2018 amended section 1886(d)(12)(C) of the Act by adding a new clause (iii) specifying that for purposes of determining whether an IHS or a non-IHS hospital meets the mileage criterion under section 1886(d)(12)(C)(i) of the Act with respect to FY 2011 or a succeeding year, the Secretary shall apply the policy described in the regulations at § 412.101(e) (as in effect on the date of enactment). In other words, under this statutory change, the special treatment with respect to the proximities between IHS and non-IHS hospitals as set forth in § 412.101(e) for discharges occurring in FY 2018 and subsequent fiscal years is now also applicable for purposes of applying the mileage criterion for the low-volume hospital payment adjustment for FYs 2011 through 2017. Therefore, when assessing the mileage criterion under § 412.101(b)(2) for FYs 2011 through 2017, an IHS hospital would be considered to have met the mileage criterion in the applicable year if it was more than 15 road miles from the nearest IHS hospital, and a non-IHS hospital would be considered to have met the mileage criterion in the applicable year if it was more than 15 road miles from the nearest non-IHS hospital.

B. Implementation of the Low-Volume Hospital Payment Adjustment Under Section 429 of the Consolidated Appropriations Act, 2018

Section 429 of the Consolidated Appropriations Act, 2018 applies the policy at § 412.101(e) to prior years, that is, for discharges occurring during FYs 2011 through 2017. To implement these changes, hospitals that qualify for the low-volume hospital payment adjustment under the provisions of the Consolidated Appropriations Act, 2018 may receive the low-volume hospital payment adjustment as part of the cost report settlement and reopening process for each cost report that includes discharges from one of the applicable fiscal years (that is, from FYs 2011 through 2017). In the event a hospital, having followed our process to request the low-volume hospital payment adjustment as described in this document, qualifies as a low-volume hospital for discharges occurring in one of the applicable fiscal years and those discharges are in a cost report that has been settled, the Medicare Administrative Contractors (MAC) will reopen such cost reports in accordance with 42 CFR 405.1885 which allows for the reopening of cost reports upon request only if a request to reopen is received by the MAC within 3 years of the date of the determination or decision that is the subject of the reopening or if the cost report is the subject of a pending jurisdictionally proper appeal before the Provider Reimbursement Review Board or CMS Administrator. Therefore, the application of the low-volume hospital payment adjustment under the provisions of section 429 of the Consolidated Appropriations Act, 2018 will only be applied to discharges occurring in FYs 2011 through 2017 (as applicable) that are in cost reports that are either currently open or for which the hospital requests reopening within the 3-year reopening period by making a request to the MAC with the information described in this document. In this document, we are explicitly directing the MACs to reopen and revise these matters, but only under the circumstances and for the cost reporting periods specified herein and subject to the time limits specified both in 42 CFR 405.1885(b) and this document. (See 42 CFR 405.1885(c)(1).) If a hospital's reopening request is untimely or if a hospital fails to provide adequate written documentation as described in this document, the MAC may deny the reopening request.

We are directing a reopening here under the circumstances described solely in response to the amendment made by section 429 of the Consolidated Appropriations Act, 2018, which changed the application of the mileage criterion for purposes of the low-volume hospital payment adjustment for FYs 2011 through 2017. We reiterate here that, apart from the specific circumstances, time periods, and cost reporting periods for which we are explicitly directing reopening in this document, reopening denials by the MAC in this and other contexts are discretionary and unreviewable under *Your Home Visiting Nurse Servs., Inc.* v. *Shalala,* 525 U.S. 449 (1999) and related precedent.

We note, any reopening under this procedure shall be for the sole purpose of making a low-volume hospital payment adjustment under the provisions of section 429 of the Consolidated Appropriations Act, 2018

and for no other purpose. (For additional information on the reopening regulations at 42 CFR 405.1885, refer to the following final rules published in the **Federal Register**: (67 FR 50096), (73 FR 30230), and (78 FR 75162) as well as sections 2931 through 2932 of chapter 29 of the Provider Reimbursement Manual (PRM), Part 1.)

The changes to the low-volume hospital payment adjustment under section 429 of the Consolidated Appropriations Act, 2018 do not affect the discharge criterion in place between FYs 2011 and 2017. Thus, in accordance with the existing regulations at § 412.101(b)(2)(ii) and consistent with our implementation of the low-volume hospital payment adjustment in FYs 2011 through 2017, the discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment in accordance with the changes under section 429 of the Consolidated Appropriations Act, 2018 is the same discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment for discharges that occurred in that fiscal year; that is, the most recent data available at the time of the development of the payment rates and factors established in the corresponding final rule. Under § 412.101(b)(2)(ii), for FYs 2011 through 2017, a hospital's Medicare discharges from the most recently available MedPAR data for the applicable fiscal year, as determined by CMS, are used to determine whether the hospital meets the discharge criterion to receive the low-volume payment adjustment in the applicable year. The applicable low-volume percentage increase for FYs 2011 through 2017 is determined using a continuous linear sliding scale equation that results in a low-volume adjustment ranging from an additional 25 percent for hospitals with 200 or fewer Medicare discharges to a zero percent additional payment adjustment for hospitals with 1,600 or more Medicare discharges (§ 412.101(c)(2)).

For the discharge data source used to identify qualifying low-volume hospitals and to calculate the payment adjustment for FY 2011, refer to the chart in the FY 2011 IPPS/LTCH PPS final rule (75 FR 50242 through 50274) or the 'Medicare Discharge Count for FY 2011 Low Volume Adjustment' file on the ''Files for FY 2011 Final Rule and Correction Notice'' home page (*https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/Acute-Inpatient-Files-for-Download-Items/CMS1255464.html*). For FYs 2012 through 2017, Table 14 of each year's respective IPPS/LTCH PPS final rule (which is available through the internet on the CMS website at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/index.html* under ''Acute Inpatient—Files for Download'' for the respective year) lists the ''subsection (d)'' hospitals with fewer than 1,600 Medicare discharges based on the applicable data source and their payment adjustment for that fiscal year (if eligible).

These discharges and corresponding payment adjustment are based on the most recent data available at the time of the development of that year's payment rates and factors established in the corresponding final rule. (For additional details on the discharge data source used to identify qualifying low-volume hospitals and calculate the payment adjustment for FYs 2011 through 2017, refer to the following FY 2011 (75 FR 50241 through 50275); FY 2012 (76 FR 51679 through 51680); FY 2013 (78 FR 14689 through 14691); FY 2014 ((79 FR 15022 through 15025) and (79 FR 34444 through 34446)); FY 2015 ((80 FR 49998 through 49999) and Change Request 9197 (Transmittal 3281; June 5, 2015)); FY 2016 (80 FR 49595 through 49597); and FY 2017 (81 FR 56941 through 56943).) The list of hospitals with fewer than 1,600 Medicare discharges for each of FYs 2011 through 2017 (previously described) does not reflect whether or not the hospital meets the mileage criterion. In addition to meeting the discharge criterion, an IHS hospital would be eligible for the low-volume hospital payment adjustment for an applicable fiscal year under the provisions of section 429 of the Consolidated Appropriations Act, 2018 if, in the applicable fiscal year, it was located more than 15 road miles from the nearest IHS hospital. Likewise, a non-IHS hospital meeting the discharge requirement would be eligible for the low-volume hospital payment adjustment for an applicable fiscal year under the provisions of section 429 of the Consolidated Appropriations Act, 2018 if, in the applicable fiscal year, it was located more than 15 road miles from the nearest non-IHS hospital.

We are using the following procedure for a hospital to request the low-volume hospital payment adjustment for any applicable fiscal years between FYs 2011 and 2017 under the provisions of section 429 of the Consolidated Appropriations Act, 2018. In order for the applicable low-volume hospital payment adjustment to be applied for an applicable fiscal year's discharges in an open or reopenable cost report(s), a hospital must notify and provide documentation to its MAC in writing that it meets the mileage criterion under the provisions of section 429 of the Consolidated Appropriations Act, 2018 in the applicable fiscal year (as described in this document). In the case of a reopenable cost report, the hospital must request a reopening when submitting its written notification and documentation to its MAC. We note, for a hospital to receive the low-volume payment adjustment in FYs 2011 through 2017 under the provisions of the Consolidated Appropriations Act, 2018, the hospital must have been unable to meet the mileage criterion for that fiscal year prior to the enactment of the Consolidated Appropriations Act, 2018 (that is, the provisions of section 429 of the Consolidated Appropriations Act, 2018 do not affect hospitals which met the mileage criterion without regard to this provision). Specifically, for an IHS hospital to be eligible to receive the low-volume hospital payment adjustment in FYs 2011 through 2017 under section 429 of the Consolidated Appropriations Act, 2018, that IHS hospital must not have been able to meet the mileage criterion in the applicable fiscal year based on its proximity to a non-IHS hospital. Similarly, for an non-IHS hospital to be eligible to receive the low-volume payment adjustment in FYs 2011 through 2017 under section 429 of the Consolidated Appropriations Act, 2018, that non-IHS hospital must not have been able to meet the mileage criterion in the applicable fiscal year based on its proximity to an IHS hospital. We encourage hospitals to notify their MAC as soon as possible because, as previously noted, under 42 CFR 405.1885, reopening a cost report is limited to 3 years after cost report settlement. In other words, the application of the low-volume hospital payment adjustment under the provisions of section 429 of the Consolidated Appropriations Act, 2018 is limited to discharges occurring in FYs 2011 through 2017 (as applicable) that are in cost reports that are either currently open or within the 3-year reopening period. Therefore, to receive the low-volume payment adjustment for discharges in FYs 2011 through 2017, the written request must be received by the MAC prior to the close of the 3-year period for the cost report that includes such discharges.

The use of a Web-based mapping tool as part of documenting that the hospital meets the mileage criterion for low-volume hospitals in the applicable fiscal year is acceptable. The MAC will determine if the information submitted by the hospital, such as the name and

street address of the nearest hospitals, location on a map, and distance (in road miles, as defined in the regulations at § 412.101(a)) from the hospital requesting low-volume hospital status, is sufficient to document that the hospital requesting low-volume hospital status meets the mileage criterion in the applicable fiscal year (and had previously been unable to meet the mileage criterion in that fiscal year as described in this document). The MAC may follow up with the hospital to obtain additional necessary information to determine whether or not the hospital meets the low-volume mileage criterion for any applicable fiscal year. In addition, the MAC will refer to the hospital's Medicare discharge data determined by CMS for the applicable fiscal year(s) to determine whether or not the hospital met the discharge criterion in that fiscal year, and the amount of the low-volume hospital payment adjustment for such year(s), once it is determined that the mileage criterion has been met. (The applicable Medicare discharge data for each of FYs 2011 through 2017 is previously described.) In addition, in order to receive the low-volume hospital payment adjustment, sufficient documentation in the written request to the MAC must include the following to demonstrate that the hospital was unable to meet the mileage criterion for that fiscal year prior to the enactment of the Consolidated Appropriations Act, 2018. For each applicable fiscal year, an IHS hospital must provide documentation to its MAC that it was not able to meet the mileage criterion in the applicable fiscal year based on its proximity to a non-IHS hospital. Similarly, a non-IHS hospital must provide documentation to its MAC that it was not able to meet the mileage criterion in the applicable fiscal year based on its proximity to an IHS hospital.

Program guidance on the implementation of this provision, including instructions for cost report settlement and reopening as applicable, will be announced in an upcoming transmittal. We intend to make any conforming changes to the regulations text at 42 CFR 412.101 to reflect the changes to the low-volume hospital payment adjustment policy in accordance with the amendments made by section 429 of the Consolidated Appropriations Act, 2018 as described in this document in future rulemaking.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

IV. Regulatory Impact Statement

A. Statement of Need

This document is necessary to update the low-volume hospital payment adjustment policy for FYs 2011 through 2017 to reflect changes provided by section 429 of the Consolidated Appropriations Act, 2018. Section 429 of the Consolidated Appropriations Act, 2018 makes certain changes to the payment adjustment for low-volume hospitals for FYs 2011 through 2017 relating to the application of the mileage criterion for IHS and non-IHS hospitals.

B. Overall Impact Statement

We have examined the impacts of this document as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more in any 1 year, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

A regulatory impact analysis (RIA) must be prepared for regulatory actions with economically significant effects ($100 million or more in any 1 year). Although we do not consider this document to constitute a substantive rule or regulatory action, the monetary impact of the changes announced in this document is approximately a $40 million increase in low-volume hospital payments total for FYs 2011 through 2017 relative to the estimates included in the respective FY IPPS/LTCH PPS final rules.

C. Anticipated Effects

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. We estimate that most hospitals and most other providers and suppliers are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $7.5 to $34.5 million in any 1 year). (For details on the latest standard for health care providers, we refer readers to page 33 of the Table of Small Business Size Standards for NAIC 622 at the Small Business Administration's website at *https://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.*) For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity. We note that we expect the effects of the changes announced in this document to impact only approximately 15 providers.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer

than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS, we continue to classify these hospitals as urban hospitals. As noted previously, we expect the effects of the changes announced in this document to impact only approximately 15 providers.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2018, that threshold is approximately $150 million. The changes announced in this document will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. The changes announced in this document will not have a substantial effect on State and local governments.

Executive Order 13771, entitled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017, and requires that the costs associated with significant new regulations ''shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations.'' It has been determined that the provisions announced in this document are actions that primarily result in transfers, and thus are not a regulatory or deregulatory action for the purposes of Executive Order 13771.

V. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 553(b) of the Administrative Procedure Act (APA) and section 1871 of the Act. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a 30 day delay to a substantive rule's effective date. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date.

None of the processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure or practice. They also do not apply when the statute establishes rules that are to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking.

In addition, an agency may waive notice and comment rulemaking, as well as any delay in effective date, when the agency for good cause finds that notice and public comment on the rule as well the effective date delay are impracticable, unnecessary, or contrary to the public interest. In cases where an agency finds good cause, the agency must incorporate a statement of this finding and its reasons in the rule issued.

The policies being publicized in this document do not constitute agency rulemaking. Rather, the statute, as amended by the Consolidated Appropriations Act, 2018, has already required that the agency make these changes, and we are simply notifying the public of the changes to the payment adjustment for low-volume hospitals for FYs 2011 through 2017 relating to the application of the mileage criterion for IHS and non-IHS hospitals. As this document merely informs the public of these changes, it is not a rule and does not require any notice and comment rulemaking. To the extent any of the policies articulated in this document constitute interpretations of the statute's requirements or procedures that will be used to implement the statute's directive, they are interpretive rules, general statements of policy, and rules of agency procedure or practice, which are not subject to notice and comment rulemaking or a delayed effective date.

However, to the extent that notice and comment rulemaking, a delay in effective date, or both would otherwise apply, we find good cause to waive such requirements. Specifically, we find it unnecessary to undertake notice and comment rulemaking in this instance as this document does not propose to make any substantive changes to the policies or methodologies already in effect as a matter of law, but simply applies payment adjustments under the Consolidated Appropriations Act, 2018 to these existing policies and methodologies. As the changes outlined in this document have already taken effect, it would also be impracticable to undertake notice and comment rulemaking. For these reasons, we also find that a waiver of any delay in effective date, if it were otherwise applicable, is necessary to comply with the requirements of the Consolidated Appropriations Act, 2018. Therefore, we find good cause to waive notice and comment procedures as well as any delay in effective date, if such procedures or delays are required at all.

Dated: August 16, 2018.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2018–18271 Filed 8–22–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–8543]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C

Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.,* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region II				
New Jersey:				
Brigantine, City of, Atlantic County	345286	May 15, 1970, Emerg; June 18, 1971, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Buena, Borough of, Atlantic County	340004	January 17, 1975, Emerg; March 4, 1983, Reg; August 28, 2018, Susp.	.....do	Do.
Hamilton, Township of, Atlantic County	340009	November 26, 1971, Emerg; March 15, 1977, Reg; August 28, 2018, Susp.	.....do	Do.
Hammonton, Town of, Atlantic County	340010	July 7, 1975, Emerg; January 6, 1982, Reg; August 28, 2018, Susp.	.....do	Do.
Linwood, City of, Atlantic County	340011	March 27, 1974, Emerg; January 19, 1983, Reg; August 28, 2018, Susp.	.....do	Do.
Longport, Borough of, Atlantic County	345302	July 10, 1970, Emerg; June 18, 1971, Reg; August 28, 2018, Susp.	.....do	Do.
Margate City, City of, Atlantic County ..	345304	July 10, 1970, Emerg; June 19, 1971, Reg; August 28, 2018, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Weymouth, Township of, Atlantic County.	340536	August 13, 1975, Emerg; August 10, 1979, Reg; August 28, 2018, Susp.	.....do	Do.
Region IV				
North Carolina:				
Belville, Town of, Brunswick County	370545	September 15, 2003, Emerg; June 2, 2006, Reg; August 28, 2018, Susp.	.....do	Do.
Holden Beach, Town of, Brunswick County.	375352	March 19, 1971, Emerg; May 26, 1972, Reg; August 28, 2018, Susp.	.....do	Do.
Navassa, Town of, Brunswick County ..	370593	May 19, 2005, Emerg; June 2, 2006, Reg; August 28, 2018, Susp.	.....do	Do.
Shallotte, Town of, Brunswick County ..	370388	July 1, 1975, Emerg; January 3, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Varnamtown, Town of, Brunswick County.	370648	N/A, Emerg; May 30, 2001, Reg; August 28, 2018, Susp.	.....do	Do.
Region V				
Michigan:				
Acme, Township of, Grand Traverse County.	260749	March 3, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Bingham, Township of, Leelanau County.	260772	August 29, 1986, Emerg; September 18, 1987, Reg; August 28, 2018, Susp.	.....do	Do.
Cleveland, Township of, Leelanau County.	260302	July 18, 1974, Emerg; September 1, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Elmwood, Township of, Leelanau County.	260113	July 2, 1975, Emerg; February 2, 1983, Reg; August 28, 2018, Susp.	.....do	Do.
Empire, Township of, Leelanau County	260765	June 16, 1986, Emerg; September 4, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Empire, Village of, Leelanau County	260605	April 8, 1975, Emerg; November 15, 1985, Reg; August 28, 2018, Susp.	.....do	Do.
Garfield, Charter Township of, Grand Traverse County.	260753	April 25, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Glen Arbor, Township of, Leelanau County.	260604	March 7, 1975, Emerg; September 1, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Leelanau, Township of, Leelanau County.	260114	June 5, 1975, Emerg; April 2, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Leland, Township of, Leelanau County	260760	May 5, 1986, Emerg; March 18, 1987, Reg; August 28, 2018, Susp.	.....do	Do.
Northport, Village of, Leelanau County	260580	July 24, 1975, Emerg; March 2, 1989, Reg; August 28, 2018, Susp.	.....do	Do.
Paradise, Township of, Grand Traverse County.	260830	December 20, 1990, Emerg; May 4, 1992, Reg; August 28, 2018, Susp.	.....do	Do.
Peninsula, Township of, Grand Traverse County.	260747	March 3, 1986, Emerg; December 18, 1986, Reg; August 28, 2018, Susp.	.....do	Do.
Suttons Bay, Township of, Leelanau County.	260770	July 21, 1986, Emerg; April 3, 1987, Reg; August 28, 2018, Susp.	.....do	Do.
Suttons Bay, Village of, Leelanau County.	260283	September 17, 1973, Emerg; June 1, 1977, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.
Traverse City, City of, Grand Traverse and Leelanau Counties.	260082	August 8, 1975, Emerg; December 15, 1982, Reg; August 28, 2018, Susp.	.....do	Do.
Union, Township of, Grand Traverse County.	260805	April 23, 1987, Emerg; September 30, 1988, Reg; August 28, 2018, Susp.	.....do	Do.
Whitewater, Township of, Grand Traverse County.	260794	January 29, 1987, Emerg; September 30, 1988, Reg; August 28, 2018, Susp.	.....do	Do.
Region VI				
Texas:				
Brown County, Unincorporated Areas ..	480717	June 6, 1990, Emerg; March 1, 1991, Reg; August 28, 2018, Susp.	.....do	Do.
Brownwood, City of, Brown County	480087	June 20, 1975, Emerg; April 15, 1981, Reg; August 28, 2018, Susp.	.....do	Do.
Early, City of, Brown County	480088	January 12, 1982, Emerg; July 1, 1987, Reg; August 28, 2018, Susp.	August 28, 2018	August 28, 2018.

Code for reading third column: Emerg. — Emergency; Reg. — Regular; Susp — Suspension.
*-do- =Ditto.

Dated: August 9, 2018.

Katherine B. Fox,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2018–18150 Filed 8–22–18; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 11

[EB Docket No. 04–296, PS Docket No. 15–94; FCC 18–102]

Review of the Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Petition for partial reconsideration; final decision.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) partially denies and partially grants a petition for partial reconsideration of the Emergency Alert System (EAS) requirements for certain Fixed Satellite Service (FSS) satellite operators jointly filed by PanAmSat Corporation, SES Americom, Inc., and Intelsat, Ltd.

DATES: Effective September 24, 2018.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–7452, or by email at *Gregory.Cooke@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration (*Order*) in EB Docket No. 04–296 and PS Docket No. 15–94, FCC 18–102, adopted on July 23, 2018, and released on July 24, 2018. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov*.

Synopsis

1. In the *Order,* the Commission partially denies and partially grants the petition for partial reconsideration (Petition) of the EAS requirements for FSS satellite operators jointly filed by PanAmSat Corporation, SES Americom, Inc., and Intelsat, Ltd. (Petitioners). Specifically, the Commission denies Petitioners' request to shift the EAS obligations adopted for Ku band FSS licensees to the video programming distributors that lease transponder capacity from such licensees. The Commission also denies Petitioners' alternative request to not apply the FSS EAS rules to FSS satellite operations subject to satellite capacity lease agreements already in place when the FSS EAS requirements became effective. The Commission does, however, grant the Petition to the extent that it adopts more specific criteria for determining when EAS obligations are triggered for FSS licensees whose satellites are used to provide programming directed primarily to consumers outside the U.S., with only incidental reception by consumers in the U.S.

I. Background

A. The EAS

2. The EAS is a national public warning system through which broadcasters, cable systems, and other service providers (EAS Participants) deliver alerts to the public to warn them of impending emergencies and dangers to life and property. The primary purpose of the EAS is to provide the President with ''the capability to provide immediate communications and information to the general public at the national, state and local levels during periods of national emergency.'' The EAS also is used by state and local governments, as well as the National Weather Service, to distribute alerts.

B. The EAS First Report and Order

3. In 2005, in recognition that consumers were increasingly adopting digital technologies as replacements for analog broadcast and cable systems that were already subject to EAS requirements, the Commission adopted the First Report and Order and Further Notice of Proposed Rulemaking (*First Report and Order*) in EB Docket No. 04–296, 70 FR 71023, 71072 (Nov. 25, 2005), expanding EAS obligations to digital television and radio, digital cable, and satellite television and radio services. The Commission deemed that ''some level of EAS participation must be established for these new digital services to ensure that large portions of the American public are able to receive national and/or regional public alerts and warnings.''

4. With respect to satellite video services, the Commission, in part pursuant to its jurisdiction under section 303(v) of the Communications Act of 1934, as amended (the ''Act''), to regulate direct-to-home (DTH) satellite services, extended EAS obligations to DBS services, as defined in section 25.701(a)(1)–(3) of the Commission's rules. As used in section 25.701(a), the definition of DBS includes entities licensed to operate FSS satellites in the Ku band that ''sell or lease capacity to a video programming distributor that offers service directly to consumers providing a sufficient number of channels so that four percent of the total applicable programming channels yields a set aside of at least one channel of non-commercial programming pursuant to [section 25.701(e) of the Commission's rules]'' (hereinafter, ''DTH–FSS licensees''). The Commission anticipated that this definition would ''ensure[ ] that the EAS rules apply to the vast majority of existing DTH satellite services, particularly those for which viewers may have expectations as to available warnings based on experience with broadcast television services.'' With respect to compliance requirements, the Commission generally required DBS entities to participate in national EAS activations, and meet related monitoring, testing and equipment readiness requirements.

5. The Commission, however, allowed DTH–FSS licensees to delegate their EAS obligations to the video programming distributors that lease capacity on their satellites. Specifically, the Commission stated that ''compliance with EAS requirements may be established based upon a certification from a [video programming] distributor that expressly states that the distributor has complied with the EAS obligations.'' The Commission added that the DTH–FSS licensees ''will not be required to verify compliance by distributors unless there is evidence that the distributor has not met its obligation.'' The Commission concluded that placing ultimate compliance responsibility on the DTH–FSS licensees under this scheme was not unduly burdensome because the ''certification requirements can be included in satellite carriage and leasing contracts,'' and because it was similar to the certification scheme adopted for FSS Part 25 licensees to meet their DBS public interest obligations. The Commission declined to apply EAS obligations to Home Satellite Dish (HSD) service, which also falls under the Commission's DTH jurisdiction.

C. The Petition

6. The Petitioners state that they ''support the application of the EAS requirements to DTH–FSS services,'' but seek reconsideration of three aspects of the Commission's decision adopting such requirements. First, the Petition requests that the Commission modify the FSS EAS requirements adopted in the *First Report and Order* by applying

them directly to the video programming distributors that lease transponder capacity from the DTH–FSS licensees instead of applying them to the DTH–FSS licensees themselves. Second, in the alternative, the Petition requests that the Commission not apply the FSS EAS rules to satellite transponder(s) that were subject to pre-existing satellite capacity lease agreements already in place when the FSS EAS requirements became effective. Third, the Petition requests that the Commission ''provide an exemption from the EAS requirements for DTH–FSS services that are directed primarily to consumers outside the United States but also are made available to consumers in the United States.''

7. With respect to their contention that responsibility for EAS compliance should be shifted from the DTH–FSS licensees to their lessee video programming distributors, Petitioners argue that, for all other services, the EAS rules apply to ''the entity that delivers programming to the consumer and therefore is in a position to substitute emergency messages when the EAS system is activated.'' Petitioners contend that ''[i]n the case of broadcast services, for example, the requirements apply to the stations that transmit programming to consumers' radio and television receivers.'' Petitioners contend that the Commission did not explain why it departed from this approach in the DTH–FSS case. Petitioners argue that DTH–FSS programming distributors are best situated to comply with the FSS EAS requirements because they are the entities that generate and control the program content that is delivered via the satellite. Petitioners also liken their situation to the HSD providers exempted from EAS obligations in the *First Report and Order* in that, like HSD providers, DTH–FSS licensees do not control the programming that is transmitted over the satellite to HSD consumers.

8. With respect to the certification mechanism through which DTH–FSS licensees delegate responsibility for EAS obligations to their lessees, Petitioners argue that attaching EAS compliance obligations to DTH–FSS programming distributors through their capacity lease agreements with DTH–FSS satellite operators is inefficient, and does not provide for direct enforcement of compliance, but instead subjects resolution of compliance questions to private contract litigation.

9. Petitioners also request that the FCC exempt DTH–FSS services offered primarily outside the U.S., but incidentally made available to U.S. subscribers. Petitioners contend that such exemption is needed because ''[i]t is highly improbable that the distributors of these services would be willing to preempt normal programming for announcements from the President of the United States.'' Instead, according to Petitioners, these video programming distributors would cease marketing their services in the U.S., thus depriving the public of ''access to valuable programming.'' Petitioners further argue that applying EAS requirements in this context amounts to regulating the content of foreign programming. Petitioners thus propose that the Commission exempt DTH services directed ''primarily in foreign countries'' from EAS obligations, and suggest that the Commission ''employ a standard of 50% of the area or population within a footprint for determining whether the primary audience for a DTH service is outside the United States.''

10. Two parties, EchoStar Satellite L.L.C. (EchoStar) and DIRECTV Latin America, LLC (DTVLA) filed oppositions to the Petition.

II. Discussion

11. The Commission denies the Petition's request to apply the FSS EAS requirements directly to the video programming distributors that lease transponder capacity from DTH–FSS licensees instead of applying them to the DTH–FSS licensees themselves. As a practical matter, the Commission's ability to enforce the EAS requirements in this satellite context could be compromised if ultimate compliance responsibility were not placed on the DTH–FSS licensees. As the Commission observed in the DBS public interest certification proceeding (which implemented a certification regime upon which the DTH–FSS EAS certification scheme is modeled), the Commission has greater enforcement powers under the Act over satellite licensees than direct-to-home, non-licensee programmers, and it also has greater ownership information about such licensees than it has about these programmers. With respect to the DBS public interest certification scheme, the Commission concluded that ''placing the ultimate compliance responsibility on the satellite licensees is not unduly burdensome.'' The Commission arrives at the same conclusion in the context of DTH–FSS EAS obligations. The Commission observes that over the past decade during which the DTH–FSS EAS rules have been in effect, the Commission has not been apprised by DTH–FSS licensees of any significant problems associated with their implementation. That the DTH–FSS licensees lease the use of their satellites to video programming distributors and other entities is a business model choice of their own making that the EAS certification regime for DTH–FSS licensees attempts to accommodate.

12. Petitioners contend that, in all cases but Petitioners', the Commission has applied the requirements associated with disseminating authorized EAS alerts ''to the entity that delivers programming to the consumer,'' and that DTH–FSS has been treated dissimilarly without explanation. The Commission finds that this comparison is inaccurate and thus rejects Petitioners' request to shift the compliance burden to program suppliers. As Petitioners themselves point out, for broadcast services, broadcast licensees must disseminate authorized EAS alerts and follow other related requirements. Similarly, in the case of cable services, the cable operator is responsible for following these EAS requirements. These EAS obligations, in either instance, do not attach to the entity that supplies the programming. In the case of DTH–FSS satellites, it is the FSS satellite transponders—not the program suppliers—that transmit the programming to consumer receivers, and are thus similarly situated to the other types of entities that participate in the EAS, and consequently, are appropriately subject to these EAS requirements.

13. The Commission also denies the Petition's alternative request that the Commission not apply the FSS EAS rules in instances where satellite transponders are subject to preexisting capacity lease agreements that were in effect before the FSS EAS obligations became effective. The FSS EAS obligations were adopted on November 10, 2005, but were not made effective until May 31, 2007. Petitioners argue that ''[t]he FSS satellite operators have no means [ ] of requiring EAS compliance in connection with capacity agreements that were entered into prior to the effective date of the R&O.'' Petitioners subsequently argued that ''many DTH–FSS capacity agreements are long-term contracts with terms extending beyond 2007.'' Petitioners did not specify how far beyond 2007 their capacity agreements entered into prior to the adoption of the FSS EAS requirements in 2005 might extend, and it is unclear whether any such agreements are still in effect today. That said, licensees in a regulated industry remain subject to new rules deemed by the Commission to be appropriate and in the public interest. As to the particular circumstances here, the

Commission expects that such private arrangements would have included accommodations to account for changes in the regulatory or statutory framework. And, had such implementation issues persisted beyond that time frame, the Commission would have expected to see other indicia of such difficulties. In any event, the Commission observes that the FSS EAS certification regime was adopted as an optional mechanism through which DTH–FSS licensees can delegate the performance of EAS obligations for which they are ultimately responsible to their DTH–FSS video programming distributor lessees. While the Commission contemplated this as one option for meeting these obligations, it did not suggest that it would be the only one available. Accordingly, those DTH FSS licensees that do not consider it feasible or efficient to delegate performance of these obligations to their DTH–FSS video programming distributor lessees always have the option of relying on their own devices to meet these obligations themselves.

14. With respect to Petitioners' request that they be exempted from EAS requirements DTH–FSS services that are directed primarily to consumers outside the U.S., but incidentally received by consumers in the U.S., the Commission agrees with Petitioners that EAS obligations should not apply in such cases. The Commission does not believe it was intended for EAS obligations adopted in the *First Report and Order* to be applied to DTH–FSS-based services that are directed to consumers outside the U.S., but which incidentally include geographic overlap with the U.S. by virtue of the satellite transponder's footprint. In adopting the DBS service definition in section 25.701(a), the Commission emphasized that this definition would capture those services ''for which viewers may have expectations as to available warnings based on experience with broadcast television services.'' Such expectations are unlikely to be shared by viewers outside the U.S. The Commission also observed that ''extending national level EAS requirements to DBS providers serves the public interest by ensuring that the significant portion of the American public that are DBS subscribers have access to this critical emergency information.'' To require that programming intended for consumers outside of the U.S. comply with the EAS rules would significantly increase regulatory burdens on DTH–FSS service providers without delivering a measurable benefit to an unintended U.S. audience that is unlikely to be watching the DTH–FSS programming. Such a result would be inconsistent with the Commission's stated rationales and intent for extending EAS obligations to DBS services. At the same time, the Commission is mindful that U.S. consumers who have a reasonable basis to expect that EAS alerts will be offered over such DTS–FSS services receive alerts consistent with those expectations.

15. Accordingly, in balancing these policy objectives, the Commission grants partial reconsideration of its EAS rules to Petitioners to ensure that DTH–FSS licensees deliver EAS alerts to DTH–FSS service consumers within the United States that have an expectation that they will receive EAS alerts, rather than to U.S.-based consumers who incidentally receive such DTH–FSS services. Petitioners have argued that the DTH–FSS EAS obligations should be triggered based on the U.S. territory encompassed within the FSS licensee's transponder footprint and propose a trigger based on whether 50% of the area or population within the DTH–FSS transponder footprint is within the contiguous United States (CONUS). The Commission agrees that the geographic area covered by the DTH–FSS transponder footprint is an appropriate measure of whether the DTH–FSS is focused on U.S. consumers, but disagrees that it should be the sole measure. Use of geographic area coverage area alone could exclude substantial portions of the U.S. from receiving EAS alerts where consumers could reasonably expect EAS to be provided. For example, under Petitioners' suggestion, a DTH–FSS transponder could be centered on a U.S. city on the border with Mexico and have DTH–FSS service that is marketed actively to U.S. consumers in that city, but would be exempt from the EAS rules if more than 50% of the transponder footprint covered Mexico. The Commission does not find such a result to be in the public interest.

16. The Commission therefore establishes multiple criteria by which it will determine whether the DTH–FSS programing is directed to a United States audience for purposes of determining EAS obligations, or is merely incidentally received: (1) Whether the center of the footprint of the antenna beam associated with the transponder used to provide the DTH–FSS service is within the United States; (2) whether at least 50 percent of the footprint of the antenna beam associated with the transponder used to provide DTH–FSS covers territory within the United States; or (3) whether the DTH–FSS service is marketed to U.S. consumers, either through advertising campaigns or promotional materials that are focused on potential subscribers located within the United States. If any of these three factors is present, the Commission finds that it is likely that the DTH–FSS service is focused on U.S. consumers, and therefore is within the intended scope of the Commission's EAS rules.

17. Finally, with respect to the DTH–FSS EAS obligation triggering criteria that the video program distributor's service include a sufficient number of channels such that four percent of the total applicable programming channels yields a set aside of at least one channel of non-commercial programming, the Commission observes that the Commission previously has clarified that this four percent set aside threshold is not triggered until at least 25 channels of video programming are being offered. To the extent it was not clear that this earlier finding also applies in the FSS EAS context, the Commission incorporates it here.

III. Procedural Matters

A. Accessible Formats

18. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

B. Supplemental Final Regulatory Flexibility Analysis

19. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (*NPRM*) in EB Docket No. 04–296, 69 FR 52843 (Aug. 30, 2004). The Commission sought written public comment on the proposals in the *NPRM,* including comments on the IRFA. No comments were filed addressing the IRFA. The Commission included a Final Regulatory Flexibility Analysis (FRFA) in the First Report and Order and Further Notice of Proposed Rulemaking (*First Report and Order*) in EB Docket No. 04–296, 70 FR 71023, 71072 (Nov. 25, 2005). This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFA to reflect the actions taken in this *Order* and conforms to the RFA.

1. Need for, and Objective of, the Order

20. In the *First Report and Order,* the Commission extended Emergency Alert System (EAS) obligations to digital television and radio, digital cable, and

satellite television and radio services. Among other things, the Commission extended EAS obligations to Direct Broadcast Satellite (DBS) services, as defined in section 25.701(a)(1)–(3) of the Commission's rules. As used in section 25.701(a), the definition of DBS includes entities licensed to operate Fixed Satellite Service (FSS) satellite in the Ku band that ''sell or lease capacity to a video programming distributor that offers service directly to consumers providing a sufficient number of channels so that four percent of the total applicable programming channels yields a set aside of at least one channel of non-commercial programming pursuant to [section 25.701(e) of the Commission's rules]'' (hereinafter, ''DTH–FSS licensees'').

21. In this *Order,* the Commission grants, to the extent described herein, a petition for partial reconsideration of the *First Report and Order* jointly filed in 2005 by PanAmSat Corporation, SES Americom, Inc., and Intelsat, Ltd. (collectively, Petitioners). In particular, the Commission denies all the specific requests made by Petitioners, and clarifies the criteria triggering when the EAS obligations apply to DTH–FSS licensees.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

22. There were no comments filed that specifically addressed the proposed rules and policies presented in the IRFA.

3. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

23. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

24. The Chief Counsel did not file any comments in response to the proposed rule(s) in this proceeding.

4. Description and Estimate of the Number of Small Entities to Which the Rules Would Apply

25. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

26. As noted above, a FRFA was incorporated into the *First Report and Order*. In that analysis, the Commission described in detail the small entities that might be significantly affected by the rules adopted in the *First Report and Order*. In this *Order,* the Commission hereby incorporates by reference the descriptions and estimates of the number of small entities from the previous FRFA in this proceeding.

5. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

27. The data, information and document collection required by the *First Report and Order* as described in the previous FRFA in this proceeding is hereby incorporated by reference. The actions taken in this *Order* do not amend or otherwise revise those requirements, except to refine the criteria that determine when DTH–FSS licensees are subject to EAS obligations. More specifically, the Commission finds that the criteria triggering DTH–FSS EAS obligations only applies in instances where the FSS capacity sold or leased to the video programming distributor is effected over a DTH–FSS transponder for which (1) the center of the footprint of the antenna beam associated with the transponder used to provide the DTH–FSS service is within the United States, (2) at least 50 percent of the footprint of the antenna beam associated with the transponder used to provide DTH–FSS covers territory within the United States, or (3) where the DTH–FSS service is marketed to U.S. consumers, either through advertising campaigns or promotional materials that are focused on potential subscribers located within the United States. If any of these three factors is present, the Commission finds that it is likely that the DTH–FSS service is focused on U.S. consumers. This aspect of the decision is consistent with the Commission's intent expressed in the *First Report and Order* for extending EAS alert delivery to American subscribers of DBS services.

6. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

28. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.''

29. The analysis of the Commission's efforts to minimize the possible significant economic impact on small entities as described in the previous FRFA in this proceeding is hereby incorporated by reference.

Report to Congress

30. The Commission will not send a copy of this *Order,* including this Supplemental FRFA, in a report to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of this *Order,* including this Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of this *Order* and Supplemental FRFA (or summaries thereof) will also be published in the **Federal Register**.

D. Additional Information

31. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

32. *Additional Information.* For additional information on this proceeding, contact Gregory Cooke of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, *gregory.cooke@fcc.gov,* (202) 418–2351.

IV. Ordering Clauses

33. Accordingly, *it is ordered* that pursuant to sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g),706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 303(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615, this Order on Reconsideration *is adopted*,

and the petition for partial reconsideration filed by PanAmSat Corporation, SES Americom, Inc., and Intelsat, Ltd. is hereby *granted* as described herein, and otherwise *denied*.

34. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2018–18151 Filed 8–22–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150121066–5717–02]

RIN 0648–XG366

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS is adjusting the Atlantic bluefin tuna (BFT) General category daily retention limit from three large medium or giant BFT per vessel per day/trip to one large medium or giant BFT per vessel per day/trip for the remainder of the June through August 2018 subquota period. This action is based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic Tunas General category (commercial) permitted vessels and Highly Migratory Species (HMS) Charter/Headboat category permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

DATES: Effective August 23, 2018, through August 31, 2018.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Dianne Stephan, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Atlantic Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006) and amendments, and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

The current baseline U.S. quota is 1,058.9 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). See § 635.27(a). The current baseline General category quota is 466.7 mt. Each of the five General category time periods (''January,'' June through August, September, October through November, and December) is allocated a portion of the annual General category quota. Although it is called the ''January'' subquota, the regulations allow the General category fishery under this quota to continue until the subquota is reached or March 31, whichever comes first. The current baseline subquotas for each time period are as follows: 24.7 mt (5.3 percent) for January; 233.3 mt (50 percent) for June through August; 123.7 mt (26.5 percent) for September; 60.7 mt (13 percent) for October through November; and 24.3 mt (5.2 percent) for December. Any unused General category quota rolls forward within the fishing year, which coincides with the calendar year, from one time period to the next, and is available for use in subsequent time periods. This action would adjust the daily retention limit for the remainder of the second time period in 2018, which ends August 31, 2018.

Although NMFS has published a proposed rule (83 FR 31517, July 6, 2018) to increase the baseline U.S. bluefin tuna quota from 1,058.79 mt to 1,247.86 mt and subquotas for 2018 (including an expected increase in General category quota from 466.7 mt to 555.7 mt, consistent with the annual bluefin tuna quota calculation process established in § 635.27(a)), NMFS does not anticipate that the final rule will be effective until September 2018.

Adjustment of General Category Daily Retention Limit

The default General category retention limit is one large medium or giant BFT (measuring 73 inches (185 cm) curved fork length (CFL) or greater) per vessel per day/trip (§ 635.23(a)(2)).

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of five per vessel based on consideration of the relevant criteria provided under § 635.27(a)(8). On May 11, 2018, NMFS adjusted the daily retention limit for the beginning of the June through August 2018 subquota period from the default level of one large medium or giant BFT to three large medium or giant BFT (83 FR 21936). NMFS has considered the relevant regulatory determination criteria and their applicability to the General category BFT retention limit for the remainder of the June through August 2018 subquota time period. These considerations include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)), biological samples collected from BFT landed by General category fishermen and provided by BFT dealers continue to provide NMFS with valuable data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Prolonged opportunities to land BFT over the longest time-period allowable would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota to date (including landings and catch rates during the last several years) and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii) and (ix)). Commercial-size BFT are currently readily available to vessels fishing under the General category quota. As of August 17, 2018, the General category has landed approximately 271.9 mt, which is 58 and 57 percent of the annual base and adjusted 2018 General category quotas, respectively. Landings since June 1, 2018, are 212.6 mt, representing 91 percent of the General category subquota for the June 1 through August 31 period. If current catch rates continue with the three-fish daily limit, the available subquota for June 1 through August 31 period could be reached or exceeded, and NMFS would

need to close the fishery earlier than otherwise would be necessary under a lower limit. NMFS intends to provide General category participants in all areas and time periods opportunities to harvest the General category quota without exceeding it, through active inseason management such as retention limit adjustments and/or the timing and amount of quota transfers (based on consideration of the determination criteria regarding inseason adjustments), while extending the season as long as practicable. NMFS is setting the limit for the remainder of the June through August 2018 subquota period in such a way that NMFS believes, informed by past experience, increases the likelihood that the fishery will remain open throughout the subperiod and year.

NMFS also considered the effects of the adjustment on BFT rebuilding and overfishing and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). The adjusted retention limit would be consistent with the established quotas and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.,* fish caught at each age) that was assumed in the projections of stock rebuilding. Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full General category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

Based on these considerations, NMFS has determined that a one-fish General category retention limit is warranted for the remainder of the June-August 2018 subquota period. The limit would provide a reasonable opportunity to harvest the full U.S. BFT quota (including the expected increase in available 2018 quota based on 2017 underharvest), without exceeding it, while maintaining an equitable distribution of fishing opportunities, help optimize the ability of the General category to harvest its quota, allow collection of a broad range of data for stock monitoring purposes, and be consistent with the objectives of the 2006 Consolidated HMS FMP and amendments. Therefore, NMFS adjusts the General category retention limit from three to one large medium or giant BFT per vessel per day/trip, effective August 23, 2018, through August 31, 2018.

Regardless of the duration of a fishing trip, no more than a single day's retention limit may be possessed, retained, or landed. For example (and specific to the limit that will apply through August 31, 2018), whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of one fish may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeting fishing for BFT, and applies to vessels permitted in the General category, as well as to HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT.

Unless NMFS publishes a subsequent adjustment in the **Federal Register**, the default daily retention limit of one large medium or giant BFT per vessel per day/trip (§ 635.23(a)(2)) will apply for the September 2018 General category fishery, which begins September 1, 2018.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. In addition, General and HMS Charter/Headboat category vessel owners are required to report their own catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.). Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery.

Prior notice and an opportunity for public comment is impracticable because the regulations implementing the 2006 Consolidated HMS FMP, as amended, intended that inseason retention limit adjustments would allow the agency to respond quickly to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, adjustment to the General category BFT daily retention limit from the current level is warranted.

Delays in adjusting the retention limit may result in the available June 1 through August 31 subquota being reached or exceeded and NMFS needing to close the fishery earlier than otherwise would be necessary under the lower limit being set for the remainder of this period. Such delays could adversely affect those General and HMS Charter/Headboat category vessels that would otherwise have an opportunity to harvest BFT if the fishery were to remain open for as feasible throughout the remaining subquota periods. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen that depend upon catching the available quota within the time periods designated in the 2006 Consolidated HMS FMP, as amended. Adjustment of the retention limit needs to be effective as soon as possible to extend fishing opportunities for fishermen in all geographic areas, consistent with objectives of the 2006 Consolidated HMS FMP and provide equitable opportunities.

Prior notice and an opportunity for public comment is also impracticable for the retention limit adjustment to one fish for the remainder of the June through August 2018 subquota period. Avoiding delay in implementation will also allow fishermen to take advantage of the availability of fish on the fishing grounds and of quota. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For

these reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(a)(4), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: August 20, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–18196 Filed 8–20–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XG378

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2018 Gulf of Alaska Pollock Seasonal Apportionments

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the 2018 C seasonal apportionments of the total allowable catch (TAC) for pollock in the Gulf of Alaska (GOA) by re-apportioning unharvested pollock TAC in Statistical Area 630 of the GOA. This action is necessary to provide opportunity for harvest of the 2018 pollock TAC, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 20, 2018, until 2400 hours A.l.t., December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

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

The annual pollock TACs in Statistical Areas 610, 620, and 630 of the GOA are apportioned among four seasons, in accordance with § 679.23(d)(2). Regulations at § 679.20(a)(5)(iv)(B) allow the underharvest of a seasonal apportionment to be added to subsequent seasonal apportionments, provided that any revised seasonal apportionment does not exceed 20 percent of the seasonal apportionment for a given statistical area. Therefore, NMFS is increasing the C season apportionment of pollock in Statistical Area 630 of the GOA to reflect the underharvest of pollock in Statistical Area 630 during the B season. In addition, any underharvest remaining beyond 20 percent of the originally specified seasonal apportionment in a particular area may be further apportioned to other statistical areas. Therefore, NMFS also is increasing the C season apportionment of pollock to Statistical Areas 610 and 620 based on the underharvest of pollock in Statistical Area 630 of the GOA. These adjustments are described below.

The C seasonal apportionment of the 2018 pollock TAC in Statistical Area 610 of the GOA is 13,777 metric tons (mt) as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018). In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby increases the C season apportionment for Statistical Area 610 by 611 mt to account for the underharvest of the TAC in Statistical Area 630 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 610. Therefore, the revised C seasonal apportionment of the pollock TAC in Statistical Area 610 is 14,388 mt (13,777 mt plus 611 mt).

The C seasonal apportionment of the 2018 pollock TAC in Statistical Area 620 of the GOA is 10,013 mt as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 620 by 443 mt to account for the underharvest of the TAC in Statistical Area 630 in the B season. This increase is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 620. Therefore, the revised C seasonal apportionment of the pollock TAC in Statistical Area 620 is 10,456 mt (10,013 mt plus 443 mt).

The C seasonal apportionment of the 2018 pollock TAC in Statistical Area 630 of the GOA is 13,865 mt as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 630 by 2,773 mt to account for the underharvest of the TAC in Statistical Area 630 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 630. Therefore, the revised C seasonal apportionment of pollock TAC in Statistical Area 630 is 16,638 mt (13,865 mt plus 2,773 mt).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would provide opportunity to harvest increased pollock seasonal apportionments. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 15, 2018.

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

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

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

Dated: August 20, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–18218 Filed 8–20–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 164
Thursday, August 23, 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.

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1303

RIN 0348–AB42

OMB Freedom of Information Act Regulation

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Proposed rule; notice of proposed rulemaking.

SUMMARY: The Office of Management and Budget (OMB) seeks public comment on a proposed rule that would revise OMB's regulations found in our regulations implementing the Freedom of Information Act (FOIA). These revisions are being proposed to implement the FOIA and incorporate the provisions of the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016 as well as to streamline OMB's FOIA regulations by structuring the text of the regulation in an order more similar to that of the Department of Justice's (DOJ) FOIA regulation and the DOJ Office of Information Policy's *Guidance for Agency FOIA Regulations,* thus promoting uniformity of FOIA regulations across agencies. Additionally, the regulations would be updated to reflect developments in the case law.

DATES: Comments are due on or before September 24, 2018.

ADDRESSES: You may send comments, identified by docket number and/or RIN number, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for sending comments.
- *Email: OMBFOIA@omb.eop.gov.* Include docket number and/or RIN number in the subject line of the message.
- Those who cannot submit electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.
- All comments received may be posted without change, including any personal information provided. Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public.

FOR FURTHER INFORMATION CONTACT: Dionne Hardy, Office of Management and Budget, Office of General Counsel, at *OMBFOIA@omb.eop.gov,* 202–395–FOIA.

SUPPLEMENTARY INFORMATION: *Subjects:* Freedom of Information, Administrative practice and procedure, Archives and records.

Background

OMB proposes to revise its rules under the CFR at part 1303 governing requests and responses for agency records under the FOIA, 5 U.S.C. 552. These revisions are being proposed to implement the FOIA and incorporate the provisions of the OPEN Government Act of 2007 (Pub. L. 110–81) and the FOIA Improvement Act of 2016 (Pub. L. 114–185) as well as to streamline OMB's FOIA regulations by structuring the text of the regulation in an order more similar to that of DOJ's FOIA regulation and the DOJ Office of Information Policy's *Guidance for Agency FOIA Regulations,* thus promoting uniformity of FOIA regulations across agencies. Additionally, the regulations would be updated to reflect developments in the case law. OMB proposes these changes after conducting the review made in accordance with section 3(a) of the FOIA Improvement Act of 2016, which provides that each agency ''shall review the regulations of such agency and shall issue regulations on procedures for the disclosure of records under [the FOIA].''

Summary of Proposed Changes

For the reasons discussed in the preamble, OMB is proposing changes to the following rules in title 5 of the CFR to update its regulations consistent with OMB's FOIA practices, the OPEN Government Act of 2007, and the FOIA Improvement Act of 2016. The proposed changes are summarized as follows:

- General revisions are proposed throughout Part 1303 to update terminology used and streamline language for clarity purposes and to restructure the text of the regulation into an order more similar to that of the DOJ's FOIA regulation (28 CFR 16.10) and the DOJ OIP's *Guidance for Agency FOIA Regulations,* thus promoting uniformity of FOIA regulations across agencies. For example, section 1303.10 currently includes information about required contents of FOIA requests, responsibilities of OMB to respond to requests, timing of responses, contents of responses, and appeals in a single code section. This proposal would separate those topics into their own code subsections and order them as listed in this paragraph, which follows the structure of DOJ's FOIA regulation and OIP's guidance. The remaining summarized changes to OMB's existing regulation are listed according to their enumeration in the proposed regulatory text.
- Section 1303.3
  - Subsection (a) is updated to include changes to OMB offices since the last changes were made to this part.
- Section 1303.20
  - Current subsection 1303.10(b) is revised to update contact information and to provide the availability of, and services provided by, OMB's FOIA Public Liaison.
- Section 1303.21
  - Added a new section regarding requests pertaining to individuals who authorize the release of information. The new text is modeled after the procedures described in DOJ's FOIA regulation.
- Section 1303.30
  - New subsection (a) is added to reflect OMB procedures for determining when it cuts off inclusion of records in a search and informs the requestor of such determination, pursuant to the rulings of *McGehee* v. *CIA,* 697 F.2d 1095 (D.C. Cir. 1983) and *Pub. Citizen* v. *Dep't of State,* 276 F.3d 634 (D.C. Cir. 2002).
  - New subsection (b) is added to reflect that documents for which control has been transferred to the National Archives pursuant to the Federal Records Act are not included in responses to requests to OMB. For example, all emails previously controlled by OMB which were created during the Obama Administration were transferred to the control of NARA in 2017 and therefore cannot be accessed by FOIA requests to OMB.
  - Subsection (c) describes OMB's procedures when it determines that

another agency of the Federal Government is better able to determine whether a record is exempt from disclosure of the FOIA.

- Section 1303.40
  - New subsection (b) describes OMB's multitrack processing of FOIA requests. Requests will be placed into one of three tracks based on expedited processing and complexity of requests in terms of the amount of work or time involved in processing requests.
  - Proposed subsection (d), which is currently 1303.60 (c), is revised to provide for the aggregation of multiple requests from one requestor or a group of requestors acting in concert regarding clearly related matters, with a presumption that multiple such requests within a 45-day period will be aggregated. Setting a time period for this presumption for aggregation in cases of unusual circumstances will harmonize this provision with this regulation's aggregation provision concerning fees, section 1303.93 (c). This presumption period of 45 days is reasonable given that the total time that the FOIA allows an agency for routing (10 days), initial response (20 days), and response to an appeal (20 days) would be 50 days, and therefore the 45-day presumption period would support the apparent intent of the FOIA's aggregation provision to allow an agency to aggregate requests wherever they may be throughout the stages of the response process.
- Section 1303.50
  - New subsection (a) specifies that OMB will acknowledge requests and assign a tracking number to requests that will take longer than ten days to process, and will, upon request, make available an estimated date on which OMB will respond to the request.
  - Subsection (b) is added to reflect OMB's practices regarding notification of grants of requests to requestors.
- Section 1303.60
  - This new section is modeled after DOJ's FOIA regulation and is added in order to follow the directive of Executive Order 12600. This section describes the procedures OMB will follow when records that are responsive to FOIA requests contain confidential commercial information. This subsection includes (1) definitions of the terms ''confidential commercial information'' and ''submitter;'' (2) specifications for when the procedures will be followed by OMB; and (3) an explanation of how a submitter has the opportunity to object to disclosure and the process followed by OMB to address those objections.
- Section 1303.70
  - Information on appeals of agency determinations currently in Section 1303.10 (e) is moved to a separate subsection, and revised to change the time period in which a requester can file an administrative appeal from 30 to 90 days, and is revised to specify that, in the case of an adverse determination, the requester can seek dispute resolution services from OMB's FOIA Public Liaison or the Office of Governmental Information Services (OGIS) of the National Archives and Records Administration (NARA), consistent with the FOIA Improvement Act of 2016.
- Section 1303.80
  - Added a new section describing OMB's responsibilities under the Federal Records Act (44 U.S.C. Chapter 31) and General Records Schedule 4.2.
- Section 1303.90
  - Revisions are made to the definitions currently in section 1303.30 to help clarify the meaning of each term.
  - Subsection (b) of section 1303.30 of the current regulation, regarding ''[a] statute specifically providing for setting the level of fees for particular types of records,'' which would be a direct restatement of a statutory provision, is removed.
- Section 1303.91
  - Revisions are made in current sections 1303.30, 1303.40, and 1303.60 to help clarify OMB's procedures in assessing and charging fees and to update the terminology now used when describing electronic search and duplication processes.
  - Proposed subsection (a), currently section 1303.30 (c), is revised to remove a fee rate that is based the salary of the employee conducting the search and incorporates a flat rate of $10.00 per quarter hour for professional work and $4.75 per quarter hour for clerical or administrative work. This revision is made to assist requesters in anticipating the cost and assist OMB in determining those charges. Subsection (a) is also revised to distinguish between electronic searches and searches that require the creation of software, as well as specify the fee schedule used when requested records are stored at the Federal Records Center operated by NARA.
  - Proposed subsection (b), currently section 1303.40 (c) is revised to specify that fees will not be charged for costs incurred in resolving issues of law or policy.
  - Subsection (c) is revised to change the rate charged for duplication from $.15 per page to $.05 per page. This subsection is also revised to remove the process by which OMB notifies requesters if the anticipated cost will exceed $25, as that provision is moved to subsection (i).
  - New subsection (h) is added to describe the limitations in charging fees when OMB does not comply with the FOIA's time limits in which to respond to a request. This subsection incorporates the language from section 2 of the FOIA Improvement Act of 2016.
  - Subsection (i) is inserted to clarify that OMB will not charge a fee when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25. Using language originally found in 1303.60(b), this subsection also clarifies that OMB will notify the requester that the estimated fee is higher than $25, unless the requester has expressed a willingness to pay in advance.
- Section 1303.92
  - Revisions are made in this section, currently section 1303.50, to clarify the definition of the categories of requester and to avoid duplication with other provisions in these regulations.
- Section 1303.93
  - Section (c) of current section 1303.60 is revised to provide for the aggregation of multiple requests from one requestor or a group of requestors acting in concert regarding clearly related matters, with a presumption that multiple such requests within a 45-day period will be aggregated. The FOIA statute authorizes agencies to issue regulations for the aggregation of multiple requests in this way in order to prevent requesters from taking an unintended advantage of the FOIA statute's provision of the first two hours of search time or first 100 pages of duplication free of charge by breaking up a larger request into smaller requests. OMB believes that this presumption period of 45 days is reasonable given that the total time that the FOIA allows an agency for routing (10 days), initial response (20 days), and response to an appeal (20 days) would be 50 days, and therefore the 45-day presumption period would support the apparent intent of the FOIA's aggregation provision to allow an agency to group requests wherever they may be throughout the stages of the response process.
- Section 1303.94
  - Subsections (b) and (c) are inserted into current section 1303.60 to provide additional detail regarding the factors OMB considers when assessing a request for a fee waiver, consistent with 5 U.S.C. 552(a)(4)(A)(i).

Classification

Regulatory Flexibility Act

OMB, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation

and, by proposing it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters, and only for certain classes of requesters and when particular conditions are satisfied. Thus, fees assessed by the OMB are nominal.

Executive Orders 12866 and 13771

For purposes of Executive Order (E.O.) 13771 on *Reducing Regulation and Controlling Regulatory Costs,* this proposed rule is not an E.O. 13771 regulatory action because this rule is not a significant regulatory action under section 3(f) of E.O. 12866.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1995

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Comments Requested

Interested persons are invited to provide written comments concerning the proposed rule. In particular, comments are requested regarding OMB's proposal to base the structure of this proposed rule revision on DOJ's current FOIA regulation and on the DOJ Office of Information Policy's *Guidance for Agency FOIA Regulations.* Comments are also requested regarding the ways in which this rule language departs from the language found in the DOJ's FOIA regulation in particular as well as other agency's FOIA regulations more generally. OMB requests comments on the proposed 45-day period for aggregating requests from the same requester, and in particular whether the period should be shorter or longer than 45 days and the proposal that a specific period of presumption is used in cases of unusual circumstances in addition to fees. 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 *Regulations.gov* or OMB's FOIA website: *https://www.whitehouse.gov/omb/freedom-information-act-foia/.*

List of Subjects in 5 CFR Part 1303

Office of Management and Budget, Freedom of Information Act, Administrative practice and procedure, Archives and records.

For the reasons stated in the preamble, OMB proposes to amend 5 CFR part 1303, as follows:

PART 1303—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

■ 1. The authority citation for part 1303 is revised to read as follows:

Authority: 5 U.S.C. 301 and 5 U.S.C. 552, unless otherwise noted.

■ 2. Part 1303 is revised to read as follows:

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General

§ 1303.1 Purpose.

This part implements the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, and prescribes the rules governing the public availability of Office of Management and Budget (OMB) records.

§ 1303.2 Authority and Functions.

The general functions of OMB, as provided by statute and by executive order, are to develop and to execute the budget, oversee implementation of Administration policies and programs, advise and assist the President, and develop and implement management policies for the government.

§ 1303.3 Organization.

(a) The central organization of OMB is as follows:

(1) The Director's Office includes the Director, the Deputy Director, the Deputy Director for Management, and the Executive Associate Director.

(2) Staff Offices include General Counsel, Legislative Affairs, Communications, Management and Operations, and Economic Policy.

(3) Offices that provide OMB-wide support include the Legislative Reference Division and the Budget Review Division.

(4) Resource Management Offices, which develop and support the President's management and budget agenda in the areas of Natural Resources, Energy and Science; National Security; Health; Education, Income Maintenance and Labor; and General Government Programs.

(5) Statutory offices include the Offices of Federal Financial Management, Federal Procurement Policy, Intellectual Property Enforcement Coordinator; E-government and Information Technology; and Information and Regulatory Affairs.

(b) OMB is located in the Old Executive Office Building, 17th Street and Pennsylvania Ave. NW, and the New Executive Office Building, 725 17th Street NW, Washington, DC 20503. OMB has no field offices. Security in both buildings prevents visitors from entering the building without an appointment.

Proactive Disclosures

§ 1303.10 Availability of Proactive Disclosures.

OMB makes available records that are required by the FOIA to be made available for public inspection in an electronic format. OMB information pertaining to matters issued, adopted, or promulgated by OMB that is within the scope of 5 U.S.C. 552(a)(2) is available electronically on OMB's website at *www.whitehouse.gov/omb/.* Additionally, for help accessing these materials, you may contact OMB's FOIA Officer at (202) 395–3642.

Requirements for Making Requests

§ 1303.20 Where to Send Requests.

The FOIA Officer is responsible for acting on all initial requests. Individuals wishing to file a request under the FOIA should address their request in writing to FOIA Officer, Office of Management and Budget, 725 17th Street NW, Room 9204, Washington, DC 20503, via fax to (202) 395–3504, or by email at *OMBFOIA@omb.eop.gov.* Additionally, OMB's FOIA Public Liaison is available to assist requesters who have questions and can be reached at (202) 395–7545 or in writing at the address above.

§ 1303.21 Requesters Making Requests About Themselves or Others.

A requester who is making a request for records about himself or herself pursuant to 5 U.S.C. 552a must comply with the verification of identity requirements as determined by OMB pursuant to OMB's Rules For Determining if an Individual Is the Subject of a Record in 5 CFR 1302.1. Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, OMB may require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

§ 1303.22 Requirement for Providing Description of the Records Sought.

Requesters must describe the records sought in sufficient detail to enable OMB personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include specific information that may help the agency identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number. Before submitting their requests, requesters may contact the FOIA Officer or FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records.

If, after receiving a request, OMB determines that the request does not reasonably describe the records sought, OMB will inform the requester what additional information is needed and why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with the FOIA Officer or the FOIA Public Liaison. If a request does not reasonably describe the records sought, OMB's response to the request may be delayed.

Responsibility for Responding to Requests

§ 1303.30 Responsibility for Responding to Requests.

(a) Search cutoff date. In determining which records are responsive to a request, OMB ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, OMB will inform the requester of that date.

(b) Transfer of Records to the National Archives and Records Administration (NARA). Permanent records of OMB which have been transferred to the control of NARA under the Federal Records Act are not in the control of OMB and are therefore not accessible by a FOIA request to OMB. Requests for such records should be directed to NARA.

(c) Consultation and referral. When reviewing records, OMB will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, OMB will proceed in one of the following ways:

(1) Consultation. When records contain information of interest to another agency, OMB typically will consult with that agency prior to making a release determination.

(2) Referral.

(i) When OMB believes that a different agency is best able to determine whether to disclose the record, OMB will refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is best situated to make the disclosure determination. However, if OMB and the originating agency jointly agree that OMB is in the best position to respond regarding the record, then OMB may provide it.

(ii) If OMB determines that another agency is best situated to consider a request, OMB promptly will notify the requestor and inform him of the agency which will be processing his request, except when disclosure of the identity of the agency could harm an interest protected by an applicable FOIA exemption. In those instances, in order to avoid harm to an interest protected by an applicable exemption, OMB will coordinate with the originating agency to seek its views on the disclosability of the record and convey the release determination for the record that is the subject of the coordination to the requester.

Timing of Responses to Requests

§ 1303.40 Timing of Responses to Requests.

(a) Upon receipt of any request for information or records, the FOIA Officer will determine within 20 working days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such request whether it is appropriate to grant the request and will immediately notify the requester of (1) such determination and the reasons therefore and (2) the right of such person to seek assistance from the FOIA Public Liaison. The 20-day period, as used herein, shall commence on the date on which the FOIA Officer or the FOIA Public Liaison first receives the request. OMB may toll this 20-day period either (1) one time while OMB is awaiting information that it has reasonably requested from the requester or (2) any time when necessary to clarify with the requester issues regarding fee assessment. OMB's receipt of the requester's response to OMB's request for information ends the tolling period.

(b) Multitrack processing. FOIA requests are placed on one of three tracks:

(1) Track one covers those requests that seek and receive expedited processing pursuant to subsection (a)(6)(E) of the FOIA and in accordance with subsection (g) below.

(2) Track two covers simple requests.

(3) Track three covers complex requests.

Whether a request is simple or complex is based on the amount of work or time needed to process the request. OMB considers various factors, including the number of records requested, the number of pages involved in processing the request, and the need

for consultations or referrals. OMB will advise the requester of the processing track in which their request has been placed and provide an opportunity to narrow or modify their request so that the request can be placed in a different processing track.

(c) Unusual circumstances. Whenever the statutory time limit for processing a request cannot be met because of ''unusual circumstances,'' as defined in the FOIA, and OMB extends the time limit on that basis, OMB will, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which processing of the request can be expected to be completed. Where the extension exceeds 10 working days, OMB will, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing. OMB will alert requesters to the availability of its FOIA Public Liaison, who will assist in the resolution of any disputes between the requester and OMB, and notify the requester of the right of the requester to seek dispute resolution services from the Office of Government Information Services (OGIS).

(d) Aggregating Requests. When OMB reasonably believes that a requester, or a group of requestors acting in concert, has submitted requests that constitute a single request, that would otherwise satisfy the unusual circumstances specified in this section, OMB may aggregate those requests for the purposes of this section. OMB will presume that multiple requests of this type made within a 45-day period can be aggregated for the purposes of this section. For requests separated by a longer period, OMB will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(e) Expedited processing.

(1) Requests and appeals will be given expedited treatment in cases where OMB determines:

(i) The lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) there is an urgency to inform the public about an actual or alleged Federal Government activity; (iii) failure to respond to the request expeditiously would result in the loss of due process rights in other proceedings; or (iv) there are possible questions, in a matter of widespread and exceptional public interest, about the government's integrity which effect public confidence.

(2) A request for expedited processing may be made at the time of the initial request for records or at any later time.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of the requester's knowledge and belief, explaining in detail the basis for requesting expedited processing. OMB may waive this certification requirement at its discretion.

(4) OMB will decide whether to grant expedited processing and will notify the requester within 10 days after the date of the request. If a request for expedited treatment is granted, OMB will prioritize the request and process the request as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

Responses to Requests

§ 1303.50 Responses to Requests.

(a) *Acknowledgements of requests.* OMB will assign an individualized tracking number to each request received that will take longer than ten days to process; and acknowledge each request, informing the requestor of their tracking number if applicable; and, upon request, make available information about the status of a request to the requester using the assigned tracking number, including—

(i) the date on which OMB originally received the request; and

(ii) an estimated date on which OMB will complete action on the request.

(b) Grants of requests. Once OMB makes a determination to grant a request in full or in part, it will notify the requester in writing. OMB also will inform the requester of any fees charged under Sec. 1303.9 and shall provide the requested records to the requester promptly upon payment of any applicable fees. OMB will inform the requester of the availability of the FOIA Public Liaison to offer assistance.

(c) *Adverse determinations of requests.* In the case of an adverse determination, the FOIA Officer will immediately notify the requester of—

(i) the right of the requester to appeal to the head of OMB within 90 calendar days after the date of such adverse determination in accordance with Sec. 1303.70;

(ii) the right of such person to seek dispute resolution services from the FOIA Public Liaison or the OGIS at NARA;

(iii) the names and titles or positions of each person responsible for the denial of such request; and

(iv) OMB's estimate of the volume of any requested records OMB is withholding, unless providing such estimate would harm an interested protected by the exemption in 5 U.S.C. 552(b).

Confidential Commercial Information

§ 1303.60 Confidential Commercial Information.

Notification Procedures for Confidential Commercial Information.

(a) Definitions.

(1) ''Confidential commercial information'' means commercial or financial information obtained by OMB from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) ''Submitter'' means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) Designation of confidential commercial information. A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4 of the FOIA. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) When notice to submitters is required. OMB will promptly notify a submitter when OMB determines that a pending FOIA lawsuit seeks to compel the disclosure of records containing the submitter's confidential information, or if OMB determines that it may be required to disclose such records, provided:

(1) The requested information has been designated by the submitter as information considered protected from disclosure under Exemption 4 in accordance with subsection (b); or

(2) OMB has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

The notice will describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, OMB may post or publish a notice in a place or manner reasonably likely to inform

the submitters of the proposed disclosure, instead of sending individual notifications.

(d) Exceptions to submitter notice requirements. The notice requirements of this section do not apply if:

(i) OMB determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(ii) The information has been lawfully published or has been officially made available to the public;

(iii) Disclosure of the information is required by law, including regulation issued in accordance with the requirements of Executive Order 12,600 of June 23, 1987; or

(iv) The designation made by the submitter under paragraph (2) of this section appears obviously frivolous. In such case, OMB will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) Opportunity to object to disclosure.

(i) Unless OMB specifies a different period, submitters who fail to respond to OMB's notice within 30 days of OMB's notice will be deemed to have consented to disclosure.

(ii) If a submitter has any objections to disclosure, it should provide OMB a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential. OMB is not required to consider any information received after the date of any disclosure decision.

(iii) Any information provided by a submitter under this section may itself be subject to disclosure under the FOIA.

(f) Analysis of objections. OMB will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) Notice of intent to disclose. Whenever OMB decides to disclose information over the objection of a submitter, OMB will provide the submitter written notice, which will include:

(i) A statement of the reasons why each of the submitter's disclosure objections were not sustained;

(ii) A description of the information to be disclosed or copies of the records as OMB intends to release them; and

(iii) A specified disclosure date, at least 30 days after OMB transmits its notice of intent to disclose, except for good cause.

(h) Requester notification. OMB will notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter files a lawsuit to prevent the disclosure of the information.

Appeals

§ 1303.70 Appeals.

A requester must appeal to the head of OMB in writing within 90 calendar days after the date of such adverse determination addressed to the FOIA Officer at the address specified in Sec. 1303.20. The appeal must include a statement explaining the basis for the appeal. Determinations of appeals will be set forth in writing and signed by the Deputy Director, or his designee, within 20 working days. If on appeal the denial is upheld in whole or in part, the written determination will also contain a notification of the provisions for judicial review, the names of the persons who participated in the determination, and notice of the services offered by the OGIS as a non-exclusive alternative to litigation.

OGIS's dispute resolution services is a voluntary process. If OMB agrees to participate in the mediation services provided by OGIS, OMB will actively engage as a partner to the process in an attempt to resolve the dispute. An appeal ordinarily will not be adjudicated if the request becomes a matter of FOIA litigation. Before seeking review by a court of an agency's adverse determination, a requester generally must first submit a timely administrative appeal.

Preservation of Records

§ 1303.80 Preservation of Records.

OMB will preserve all correspondence pertaining to the requests that it receives under this section, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or NARA's General Records Schedule 14. OMB will not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

Fees

§ 1303.90 Definitions.

For the purpose of these regulations:

(a) All definitions set forth in the FOIA apply.

(b) The term ''direct costs'' means those expenditures that OMB actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Not included in direct costs are overhead expenses such as costs of space, heating, or lighting the facility in which the records are stored.

(c) The term ''search'' means the process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

(d) The term ''duplication'' means the making of a copy of a document, or of the information contained in it, that is necessary to respond to a FOIA request. Such copies can be in the form of paper, microform, audio-visual materials, or electronic records (*e.g.,* magnetic tape or disk), among others.

(e) The term ''review'' refers to the process of examining documents located in response to a request to determine whether any portion of any document located is permitted to be withheld. It also refers to the processing of any documents for disclosure, *e.g.,* doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(f) The term ''commercial use request'' is a request that asks for information for a use or purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation.

(g) The term ''educational institution'' is any school that operates a program of teaching or scholarly research. To be eligible for inclusion in this category, requesters must show that the request is being made as authorized by and in connection with the requester's role at a qualifying institution and that the records are not sought for commercial use, but are sought in furtherance of teaching or scholarly research. OMB may seek assurance from the requester that the request is in furtherance of teaching or scholarly research and will advise requesters of their placement in this category.

(h) The term ''non-commercial scientific institution'' refers to an institution that is not operated on a commercial basis (as that term is referenced in paragraph (g) of this section) and that is operated solely for the purpose of conducting scientific research where the results of the research are not intended to promote any particular product or industry. A

requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use.

(i) The term ''representative of the news media'' refers to any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.

(j) The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news-media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase, subscription, or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve, such alternative media would also be included in this category. Freelance journalists may be regarded as working for a news-media organization if the journalist can demonstrate a solid basis for expecting publication through that organization, even though the journalist is not actually employed by the organization. A publication contract would present solid basis for such an expectation, but OMB may also look to the past publication record of a requester in making such a determination.

§ 1303.91 Fees to be Charged—General.

OMB will charge fees that recoup the full allowable direct costs it incurs. Moreover, it will use the most efficient and least costly methods to comply with requests for documents made under the FOIA. For example, employees should not engage in line-by-line search when merely duplicating an entire document would prove the less expensive and quicker method of complying with a request. Search should be distinguished, moreover, from review of material in order to determine whether the material is exempt from disclosure. When documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs (see definition in Section 1303.30(b)), such as the NTIS, OMB will inform requesters of the steps necessary to obtain records from those sources.

(a) Search. Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. OMB will charge search fees for all other requesters, subject to the restrictions of paragraph (h) of this section.

(1) For each quarter hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees will be charged as follows: professional—$10.00; and clerical/administrative—$4.75.

(2) Requesters shall be charged the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. Requesters shall be notified of the costs associated with creating such a program and must agree to pay the associated costs before the costs may be incurred.

(b) Review of records. Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the initial review; *i.e.,* Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review is assessable. However, review costs will not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing a request under this section.

(c) Duplication of records. The requester's specified preference of form or format of disclosure will be honored if the record is readily reproducible in that format. Where photocopies are supplied, OMB will provide one copy per request at a cost of five cents per page. For copies prepared by computer, such as tapes or printouts, OMB will charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, OMB will charge the actual direct costs of producing the document(s).

(d) *Other charges.* OMB will recover the full costs of providing services such as those enumerated below when it elects to provide them:

(1) Certifying that records are true copies; or

(2) Sending records by special methods, such as express mail.

(e) Remittances shall be in the form of either a personal check, a bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the FOIA Officer at the address found in Section 1303.10(b) above.

(f) A receipt for fees paid will be provided upon request. Refund of fees paid for services actually rendered will not be made.

(g) Restrictions on assessing fees. With the exception of requesters seeking documents for a commercial use, OMB will provide the first 100 pages of duplication (or the cost equivalent for other media) and the first two hours of search time without charge.

(h) If OMB fails to comply with the FOIA's time limits in which to respond to a request, it may not charge search fees, or, in the instances of requests from requesters described in section 1303.90(g) through (i), may not charge duplication fees, except as described in the following circumstances:

(1) If OMB has determined that unusual circumstances, as defined by the FOIA, apply, and OMB provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit will be excused for an additional 10 days.

(2) If OMB has determined that unusual circumstances, as defined by the FOIA, apply, and more than 5,000 pages are necessary to respond to the request, OMB may charge search fees, or, in the case of requesters described in Section 1303.90(g) through (i), may charge duplication fees, if OMB has provided timely written notice to the requester in accordance with the FOIA and OMB has discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii).

(3) If a court determines that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(i) No fee will be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25. If OMB estimates that the charges are likely to exceed $25, it will notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel to meet the requester's needs at a lower cost.

§ 1303.92 Fees to be Charged—Categories of Requesters.

There are four categories of FOIA requesters: Commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. The specific levels of fees for each of these categories are:

(a) Commercial use requesters. When OMB receives a request for documents for commercial use, it will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduction of documents. OMB may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records (see Sec. 1303.93(b)).

(b) Educational and non-commercial scientific institution requesters. OMB will provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in Sec. 1303.30(h) through (i). OMB may seek evidence from the requester that the request is in furtherance of scholarly research and will advise requesters of their placement in this category.

(c) Requesters who are representatives of the news media. OMB will provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in § 1303.10(j) through (k) and not make the request for commercial use. A request for records supporting the news dissemination function of the requester is not a commercial use for this category.

(d) All other requesters. OMB will charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time will be furnished without charge. Moreover, requests for records about the requesters filed in OMB's systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974, which permit fees only for reproduction.

§ 1303.93 Miscellaneous Fee Provisions.

(a) Charging interest—notice and rate. OMB may begin assessing interest charges on an unpaid bill starting on the 31st day after OMB sends the bill. If OMB receives the fee within the thirty-day grace period, interest will not accrue on the paid portion of the bill, even if the payment is unprocessed. Interest will be at the rate prescribed in section 3717 of title 31 of the United States Code and will accrue from the date of the billing.

(b) Charges for unsuccessful search. OMB may properly charge for time spent searching even if it does not locate any responsive records or if OMB determines that the records are entirely exempt from disclosure.

(c) Aggregating requests. A requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When OMB reasonably believes that a requester, or a group of requestors acting in concert, has submitted requests that constitute a single request, involving clearly related matters, OMB may aggregate those requests and charge fees accordingly. OMB will presume that multiple requests of this type made within a 45-day period have been made in order to avoid fees. For requests separated by a longer period, OMB will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters shall not be aggregated.

(d) Advance payments.

(1) OMB will not require a requester to make an advance payment, *i.e.,* payment before work is commenced or continued on a request, unless OMB estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250 or the requester has previously failed to make payments due within 30 days of billing.

(2) In cases in which OMB requires advance payment, the request will not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of OMB's fee determination, the request will be closed.

(e) Effect of the Debt Collection Act of 1982 (Pub. L. 97–365). OMB will comply with applicable provisions of the Debt Collection Act, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment.

§ 1303.94 Waiver or Reduction of Charges.

(a) How to apply for a fee waiver. Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(b) Factors for approving fee waivers. OMB will furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the following factors are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when both of the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. OMB will presume that a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, OMB will consider the following criteria:

(A) OMB will identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters must be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, OMB must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified

when the requirements of paragraphs (b)(i) and (ii) are satisfied and any commercial interest is not the primary interest furthered by the request. OMB ordinarily will presume that when a news media requester has satisfied factors (i) and (ii) above, the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(c) Timing of requests for fee waivers. Requests for a waiver or reduction of fees should be made when the request is first submitted to OMB and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester shall be required to pay any costs incurred up to the date the fee waiver request was received.

Dated: August 17, 2018.

Mark R. Paoletta,

General Counsel and Chief FOIA Officer.

[FR Doc. 2018–18061 Filed 8–22–18; 8:45 am]

BILLING CODE 3110–01–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3555

RIN 0575–AD09

Single Family Housing Guaranteed Loan Program

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Housing Service (RHS or Agency) proposes to make several changes to the single-family housing guaranteed loan program (SFHGLP) regulations to streamline the loss claim process for lenders who have acquired title to property through voluntary liquidation or foreclosure; clarify that lenders must comply with applicable laws, including those within the purview of the Consumer Financial Protection Bureau; and better align loss mitigation policies with those in the mortgage industry.

DATES: Written or email comments on the proposed rule must be received on or before October 22, 2018 to be assured for consideration.

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

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

All written comments will be available for public inspection during regular work hours at the 1400 Independence Ave. SW, address listed above.

FOR FURTHER INFORMATION CONTACT: Kate Jensen, Finance and Loan Analyst, Single Family Housing Guaranteed Loan Division, STOP 0784, Room 2250, USDA Rural Development, South Agriculture Building, 1400 Independence Avenue SW, Washington, DC 20250–0784, telephone: (503) 894–2382, email is *Kate.Jensen@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866, Classification

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

Executive Order 12988, Civil Justice Reform

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

Unfunded Mandates Reform Act

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

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

Environmental Impact Statement

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

Executive Order 13132, Federalism

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

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the undersigned has determined and certified by signature of this document that this rule change will not have a significant impact on a substantial number of small entities. This rule does not impose any significant new

requirements on Agency applicants and borrowers, and the regulatory changes affect only Agency determination of program benefits for guarantees of loans made to individuals.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

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

Executive Order 12372, Intergovernmental Consultation

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

Programs Affected

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

Paperwork Reduction Act

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

E-Government Act Compliance

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

Non-Discrimination Policy

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

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

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

(2) *Fax:* (202) 690–7442; or

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

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Background Information

Driven by tight credit markets in which lenders are reluctant to make mortgage loans without insurance or guarantees from the federal government, SFHGLP has grown significantly in recent fiscal years (FY); from $33 million in loans in 1991 to $19.2 billion in FY 2017. The total portfolio of the SFHGLP consists of over one million loans serviced by over 1,000 lenders. The expansion of the program has led the Agency to look for ways in which current policies and procedures can be revised to streamline the program, align the Agency with industry practices, and balance Agency resources with program demand. In order to help achieve these objectives, this rule proposes various changes to the loss claim process and loss mitigation loan servicing.

I. Loss Claims

When a borrower stops making loan payments and goes into default, lenders are required to contact the borrower at prescribed intervals to offer various loss mitigation options to continue with the loan, come to an agreement to self-liquidate, or transfer the property to the lender through a deed-in-lieu. If these loss mitigation activities are unsuccessful, the lender will proceed to foreclosure where the property is sold to a third party or acquired into the lender's real estate owned (REO) portfolio. After sale of the property at the foreclosure sale or from the lender's REO, those proceeds are applied to the account. If that amount cannot satisfy the account, the lender submits a loss claim to the Agency using a web-based automated system or in a paper format. Upon payment of the loss claim payment to the lender, the Agency has satisfied its obligation to the lender under the loan guarantee.

When a lender acquires title to a property (*i.e.,* REO), the Agency requires an REO property disposition plan from the lender explaining how, among other things, the lender will maintain and market the property during the permissible marketing period. The lender must obtain Agency concurrence for any significant changes to the plan.

Currently, the Agency provides two opportunities for the lender to file a loss claim on REO property: When the property sells during the permissible marketing period, or after the permissible marketing period (typically 9 or 12 months) if the REO property does not sell.

If the property has sold during the permissible marketing period, the loss claim is paid based on the actual property sales price combined with the actual property liquidation, property preservation, and disposition costs. If the property remains unsold after the permissible marketing period, the loss claim is based upon a liquidation value real estate appraisal and preservation and disposition costs consistent with the most currently published U.S. Department of Veterans Affairs (VA) Management and Acquisition Factor (VA Net Value Factor) found at *https://www.benefits.va.gov/HOMELOANS/servicers_valeri.asp.* When a lender receives a loss claim payment on unsold

REO, they are responsible to report the future sale of the property and pay future recovery if the sales price is greater than the liquidation value real estate appraisal amount. The proceeds are distributed so that the total loss to the Agency is equivalent to the loss that would have been incurred had the recovered amount been included in the initial loss calculation.

The Agency proposes changes to the loss claim payment process when a lender acquires title by way of a deed-in-lieu or foreclosure sale. Under the proposed framework, lenders who acquire title must order a market value appraisal for the REO property within 15 days of acquiring title to the property. The loss claim request must be submitted to the Agency within 45 days upon receipt of the appraisal. The Agency will employ a loss claim model that takes into consideration various factors, including the market value appraisal, as well as property preservation and disposition costs based on the VA Management and Acquisition Factor costs consistent with the most currently published U.S. Department of Veterans Affairs (VA) Management and Acquisition Factor (VA Net Value Factor) found at *https://www.benefits.va.gov/HOMELOANS/servicers_valeri.asp* to determine the loss claim amount. Because loss claims will be paid after acquisition and prior to marketing the REO, this will eliminate the need for REO property disposition plans, different loss claim calculations based on whether the property has sold or remains in the lender's REO portfolio, and claim adjustments based on future recovery. To reflect this more streamlined approach to loss claim processing that should deliver loss claim payments to lenders in a timelier fashion, the Agency will limit the lender to 60 days of additional interest during the loss claim period.

The Agency also proposes to revise 7 CFR 3555.354, which allows lenders to submit a loss claim electronically or in paper format. The change will require all lenders to utilize a web-based system to submit loss claims to reduce paperwork burden to both lenders and the Agency.

The Agency proposes to revise the definition of the settlement date to add the settlement date for deed-in-lieu actions. The Agency will define the settlement date of the deed-in-lieu as the date title is recorded. The current version of the regulation is silent on this issue.

These proposed changes were recommended by a Lean Six Sigma task force that consisted of Agency staff and lenders. Lean Six Sigma is a methodology used to improve performance and streamline processes by defining, measuring, analyzing, improving, and controlling problems or issues. The Lean Six Sigma task force was established to develop solutions on improving the loss claim process, while also making the SFGHLP cost-effective and efficient. Benefits of the proposed loss claim process to the lender include: A faster claim resolution by elimination of the 9- and 12 month marketing periods; a simplified claim submission due to elimination of requirement to submit invoices, system notes, financial history, listing agreement, Closing Disclosure and other information applicable to the marketing period; elimination of the property disposition plan; and efficient disposition of REO properties due to the elimination of agency approval required for offers, repair bids or valuations. Benefits to the Agency include: A reduction of REO claim processing time to 1.5–4 hours per claim from 3–6 hours per claim resulting in an annual savings of 26,728 staff hours or $927,000 in annual labor costs; elimination of property disposition plans resulting in a savings of 14,492 hours or $503,000 in annual labor costs; reduction of improper payment risk by eliminating consideration of actual expenditure activity within the marketing period; simplification and streamlining of compliance reviews by eliminating all post-foreclosure activity on REO claims; reduction of interest paid by 30 days per REO claim resulting in annual interest savings of $3.7 million (based on FY 2014 REO claim payments). The proposed change will not impact borrowers.

II. General Lender Requirement

The Agency is proposing to amend 7 CFR 3555.51(b)(1) to clarify that in addition to complying with Agency laws and guidance, lenders must comply with other applicable federal, state and local laws, including those that fall under the purview of the Consumer Financial Protection Bureau, such as the Real Estate Settlement Procedures Act and the Truth in Lending Act.

III. Loss Mitigation

In November of 2015, the Department of Treasury hosted a summit attended by federal agencies, mortgage lenders, consumer groups, investors, and mortgage service providers to discuss the future of loss mitigation pending the expiration of the Home Affordable Modification Program (HAMP) in December 2016. An important take-away from the summit was HAMP data showing payment reduction was key to a borrower's loss mitigation success. Borrowers facing financial hardship are unable to retain their home if the modified payment remains equal or exceeds their current promissory note installment.

The proposed changes regarding loss mitigation procedures, described below, would continue the Agency's efforts to improve the effectiveness of loss mitigation by emphasizing payment reduction as the key component to any relief provided to the borrower while offering lenders and borrowers consistent loss mitigation policies that align with industry standard.

The proposed changes will offer borrowers faster and greater payment relief early in the loss mitigation process. Historically, borrowers who receive less than 10 percent payment reduction have re-defaulted at a rate greater than 60 percent. When at least a 10 percent payment reduction is achieved, the re-default rate is reduced by half. These changes would increase homeownership success and decrease foreclosures. The Agency expects a corresponding reduction in lender-owned property resulting in greater community stability, as well as decreasing the expenses associated with foreclosure and property disposition.

A. Agency Concurrence on Servicing Plans and Voluntary Liquidation

Currently, lenders must obtain Agency concurrence for a formal servicing plan or voluntary liquidation prior to implementation with the borrower. The Agency may grant lenders a waiver for concurrence.

The Agency proposes to amend the regulation to eliminate the requirement for Agency concurrence on formal servicing plans and voluntary liquidation. The proposed change would streamline the servicing plan and voluntary liquidation process for lenders and borrowers. Lenders would still report to the Agency any servicing plans and voluntary liquidation options that have been adopted, but Agency concurrence will not be necessary beforehand. While Agency concurrence for these actions will not be necessary, lenders will still be accountable for servicing plans and voluntary liquidation actions. The Agency will set performance benchmarks, monitor lender performance, and implement any necessary corrective action plans. Performance benchmarks will include rates for delinquency, foreclosure, and loss claim.

Lender performance regarding loss mitigation servicing plans and voluntary liquidation will be captured by the

Agency's existing quality control (QC) process that incorporates a set of questions and findings for a sample of files submitted by the lender during a specific time. Findings are recorded and reported back to the lender along with any suggestions for improvement.

In addition, the Agency already reviews lenders on a regular basis for compliance with Agency requirements, and will reflect lenders' implementation of loss mitigation servicing plans and voluntary liquidation. Lender compliance reviews focus on the lender's adherence to Agency requirements and continuing eligibility for the program based on the results of individual file reviews. Lenders are provided a report of any findings and given an opportunity to correct issues.

Lenders that are determined to be out of compliance through Agency QC or compliance reviews will be counseled, offered training, and given the opportunity to improve. Lenders that show little or no progress could be subject to enhanced oversight during the loss claim process.

The Agency believes that eliminating the need for Agency concurrence for these actions will reduce the number of approval steps within the process and provide assistance to borrowers more quickly and balance Agency resources against demands. In addition, the change will align Agency policy with other loan guarantee programs that do not require a case-by-case review and rely on regular QC, lender compliance reviews, and data to determine lender performance and compliance with regulations.

To conform with the above changes, the Agency proposes to eliminate references to mandatory Agency concurrence from 3555.302 regarding protective advances and 3555.305 regarding voluntary liquidation.

B. Trial Plan (Traditional Servicing Loan Modification)

Pursuant to 7 CFR 3555.303(b)(3)(v) borrowers may not be required to complete a trial plan in order to be eligible for a traditional servicing loan modification. The Agency proposes to amend this requirement and provide flexibility to lenders to determine whether a trial period is warranted for a traditional servicing loan modification.

C. Mortgage Recovery Advance

Lenders may use special servicing options to bring a borrower's mortgage payment to an income ratio as close as possible to 31 percent. If the borrower cannot reach the targeted payment with an extended term loan modification of interest rate and loan term under 3555.304(c), the lender may utilize a Mortgage Recovery Advance (MRA) under 3555.304(d).

The Agency proposes to amend the language to standardize many of the requirements of special servicing options to increase the opportunity and effectiveness of lender assistance to borrowers facing an involuntary inability to pay their mortgage.

The Agency proposes to allow a ''stand-alone'' MRA when a borrower faced a hardship but is now able to continue making payments under the promissory note rate and terms but cannot cure the delinquency with personal funds. Currently, the regulation does not provide a solution for this scenario. The Agency has received feedback from stakeholders that a stand-alone MRA in certain circumstances would be an effective tool to facilitate borrower's long-term repayment ability. The proposed stand-alone MRA would be permitted when the borrower's mortgage payment to income ratio is less than 31 percent. For other borrowers, the existing requirement to use special servicing options in the order they appear in 3555.304 would remain.

The regulation is currently silent on how the servicer should treat the capitalization of the delinquency when using special servicing options. In comparison, traditional servicing options direct the lender through specific steps to capitalize all or a portion of the arrearage (PITI). Capitalization may also include foreclosure fees and costs, tax and insurance advances, past due Agency annual fees imposed by the lender, but not late charges or lender fees. Allowing the lender to capitalize the delinquency and these other amounts creates a clearer path to borrower success.

The Agency proposes to remove the maximum limit of 12 months PITI when calculating the MRA maximum amount and the requirement that the lender reduce the maximum MRA by the sum of the arrearages advanced to cure the default and any foreclosure costs incurred to that point. The servicing industry uses a standard ''waterfall'' method where the first step is to capitalize the delinquency, defined as PITI, annual fees, legal fees, and foreclosure costs. The lender then considers changes to the interest rate and term extension. By focusing on the limit of 30 percent of the unpaid principal balance, the changes would simplify the MRA calculation and increase the chances of the borrower becoming and remaining current. In addition, removal of the 12-month maximum PITI will bring the Agency in line with other federal programs and industry standards.

List of Subjects in 7 CFR Part 3555

Home improvement, Loan Programs—Housing and community development, Mortgage insurance, Mortgages, Rural areas.

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

PART 3555—GUARANTEED RURAL HOUSING PROGRAM

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

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

■ 2. Amend § 3555.10 in the definition of *Settlement date* by revising the introductory text and adding paragraph (5) to read as follows:

§ 3555.10 Definitions and abbreviations.

* * * * *

Settlement date. The settlement date, for the purpose of loss calculation, is:

* * * * *

(5) The date title is acquired upon recordation of a deed-in-lieu of foreclosure, with prior approval of the lender.

* * * * *

■ 3. Amend § 3555.51 (b)(1) by adding a new sentence after the first sentence to read as follows:

§ 3555.51 Lender eligibility.

* * * * *

(b) * * *

(1) * * * Lenders must also comply with all other applicable federal, state and local laws, rules and requirements, including those under the purview of the Consumer Financial Protection Bureau, such as the Real Estate Settlement Procedures Act and the Truth in Lending Act. * * *

* * * * *

■ 4. Amend § 3555.301 by revising paragraph (h) to read as follows:

§ 3555.301 General servicing techniques.

* * * * *

(h) *Formal servicing plan.* The lender must report to the Agency utilizing a web-based automated system a formal servicing plan when a borrower's account is 90 days or more delinquent and a method other than foreclosure is recommend to solve the delinquency.

■ 5. Amend § 3555.302 by revising paragraph (b) to read as follows:

§ 3555.302 Protective advances.

* * * * *

(b) *Advances for costs other than taxes and insurance.* Protective advances for costs other than taxes and insurance, such as emergency repairs, can be made only if the borrower cannot, or will not, obtain an additional loan or reimbursement from an insurer or the borrower has abandoned the property. The lender must determine that any repairs funded by protective advances are cost effective. Repairs funded by protective advances must be planned, performed and inspected in accordance with § 3555.202 and as further described by the Agency. The lender must obtain prior Agency concurrence before issuing protective advances under this paragraph only for protective advances of a significant amount as specified by the Agency.

■ 6. Amend § 3555.303 by revising paragraph (b)(3)(v) to read as follows:

§ 3555.303 Traditional servicing options.

* * * * *

(b) * * *

(3) * * *

(v) Lenders may require that borrowers complete a trial payment plan prior to making scheduled payments amended by the traditional loan servicing loan modification.

* * * * *

■ 7. Amend § 3555.304 by removing and reserving paragraph (a)(2), revising paragraph (a)(4), revising paragraphs (c)(1)and (2), and revising paragraphs (d)(2) and (3) to read as follows:

§ 3555.304 Special servicing options.

(a) * * *

(2) [Reserved]

* * * * *

(4) If the borrower currently has a mortgage payment to income ratio lower than 31 percent, special servicing options can be utilized to cure the delinquency without modifying the note. Otherwise, special servicing options shall be used in the order established in this section to bring the borrower's mortgage payment to income ratio as close as possible to, but not less than, 31 percent.

* * * * *

(c) * * *

(1) Loan modifications may capitalize all or a portion of the arrearage (PITI) and/or reamortization of the balance due. Capitalization may also include foreclosure fees and costs, tax and insurance advances, past due annual fees imposed by the lender, but not late charges or lender fees.

(2) Loan modifications must be a fixed interest rate and cannot exceed the current market interest rate at the time of modification. When reducing the interest rate, the maximum rate is subject to paragraph (c)(3) of this section.

(d) * * *

(2) The maximum amount of a mortgage recovery advance is 30 percent of the unpaid principal balance as of the date of default. The Agency may change the maximum amount of mortgage recovery advance by publication in the **Federal Register**.

(3) If the borrower's total monthly mortgage payment is less than 31 percent of gross monthly income prior to an extended term loan modification, the mortgage recovery advance can be used as a stand-alone option to cure the borrower's delinquency without changing the terms of the note.

* * * * *

■ 8. Amend § 3555.305 by revising the introductory text to read as follows:

§ 3555.305 Voluntary liquidation.

The lender must have exhausted the servicing options outlined in §§ 3555.302 through 3555.304 to cure the delinquency before considering voluntary liquidation. The methods of voluntary liquidation of the security property outlined in this section may be used to protect the interests of the Government.

* * * * *

■ 9. Amend § 3555.306 by revising paragraph (f) to read as follows:

§ 3555.306 Liquidation.

* * * * *

(f) *Lender acquisition of title.* If at liquidation, the title to the property is conveyed to the lender, the lender will order a market value appraisal within 15 days of acquiring title. The appraisal must be completed by an appraiser to be used to pay the loss claim using a calculated value as provided by a model. The lender must submit the appraisal with a loss claim request in accordance with subpart H.

* * * * *

■ 10. Amend § 3555.352 by revising paragraphs (c) and (e) to read as follows:

§ 3555.352 Loss covered by the guarantee.

* * * * *

(c) *Additional interest.* Additional interest on the unsatisfied principal accrued from the settlement date to the date the claim is paid, but not more than 60 days from the settlement date;

* * * * *

(e) *Liquidation costs.* Reasonable and customary liquidation costs, such as attorney fees, market value appraisals, and foreclosure costs. Annual fees advanced by the lender to the Agency are ineligible for reimbursement when calculating the loss claim payment.

■ 11. Amend § 3555.353 by revising paragraphs (a) introductory text and (b) to read as follows:

§ 3555.353 Net recovery value.

* * * * *

(a) *For a property that has been sold.* When a loss claim is filed on a property that was sold to a third party at the foreclosure sale or through an approved pre-foreclosure sale, net recovery value is calculated as follows:

* * * * *

(b) *For a property that has been acquired.* When a loss claim is filed on a property acquired by the lender through a foreclosure sale or deed-in-lieu of foreclosure, net recovery value is based on an estimated sales price calculated using the market value, holding and disposition costs calculated using an acquisition and management factor published by the VA, and other factors as determined by the Agency. The lender must order the appraisal within 15 days of acquiring title to the property, and submit the appraisal with any loss claim request in accordance with subpart H of this part.

■ 12. Amend § 3555.354 by revising the introductory text and paragraph (b) to read as follows:

§ 3555.354 Loss claim procedures.

All lenders must use a web-based automated system designated by the Agency to submit all loss claim requests.

* * * * *

(b) *REO.* When the lender acquires title to the property, the lender must order a market value appraisal within 15 days of acquiring title. The lender must submit a complete loss claim package that includes the completed market value appraisal within 45 calendar days of receiving the appraisal. Loss claims submitted beyond this period of time, or submitted without an appraisal may be rejected or reduced by Rural Development. The Agency will apply an acquisition and management resale factor to estimate holding and disposition costs, based on the most current VA Management and Acquisition Factor found at *https://www.benefits.va.gov/HOMELOANS/servicers_valeri.asp.*

* * * * *

§ 3555.356 [Removed]

■ 13. Remove § 3555.356.

Dated: July 27, 2018.

Joel C. Baxley,

Administrator, Rural Housing Service.

[FR Doc. 2018–18089 Filed 8–22–18; 8:45 am]

BILLING CODE 3410–XV–P

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

[NRC–2018–0182]

Cyber Security Programs for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment Draft Regulatory Guide (DG) DG–5061, ''Cyber Security Programs for Nuclear Power Reactors.'' This revision incorporates lessons learned from operating experience since the original publication of the guide. Specifically, this revision clarifies issues identified from interim cybersecurity milestone inspections, additional insights gained through the Security Frequently Asked Questions (SFAQs) process, documented cybersecurity attacks, new technologies, and new regulations. This revision also considers the changes in the most recent revision to the National Institute of Standards and Technology (NIST) Special Publications (SP) 800–53, upon which Revision 0 of RG 5.71 was based.

DATES: Submit comments by October 22, 2018. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

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–2018–0182. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: ON 2A13, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Kim Lawson-Jenkins, Office of Nuclear Security and Incident Response, telephone: 301–287–3656; email: *Kim.Lawson-Jenkins@nrc.gov,* and Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1699; email: *Mekonen.Bayssie@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0182 when contacting the NRC about the availability of information regarding this document. You may obtain publically-available information related to this document, by any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0182.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access 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.* DG–5061 is available in ADAMS under Accession No. ML18016A129.
- *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–2018–0182 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 posts all comment submissions at *http://www.regulations.gov* as well as enters 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 submissions into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, titled ''Cyber Security Programs for Nuclear Power Plants,'' is temporarily identified by its task number, DG–5061. DG–5061 is a proposed revision (Revision 1) to RG 5.71, ''Cyber Security Programs for Nuclear Power Plants.'' It provides NRC licensees with guidance on meeting the cybersecurity requirements described in title 10 of the *Code of Federal Regulations* (10 CFR) § 73.54, ''Protection of digital computer and communication systems and networks.''

This revision clarifies issues identified from interim cybersecurity milestone inspections, additional insights gained through the SFAQs process, documented cybersecurity attacks, new technologies, and new regulations. In addition, it considers changes in NIST SP 800–53, upon which Revision 0 of RG 5.71 was based.

In 2010, the Commission issued Staff Requirements Memorandum (SRM), SRM–COMWCO–10–0001 (ADAMS Accession No. ML102940009) which clarified the scope of the cyber security rule in regards to balance of plant (BOP) systems. This revision to RG 5.71 includes guidance for structures, systems, and components (SSCs) in the BOP.

In 2015, the NRC published the regulation 10 CFR 73.77, and its associated guidance, RG 5.83, that provides guidance on cyber security event notifications. This rule established requirements clarifying the types of cyber attacks that require notification to the NRC, the timeliness for making the notifications, how licensees make notifications, and how to submit follow-up written reports to the NRC.

III. Backfitting and Issue Finality

DG–5061 describes a method that the staff of the NRC considers acceptable for use by nuclear power plant licensees in meeting the requirements for the cybersecurity requirements in 10 CFR 73.54. The revision updates the guidance by incorporating lessons learned and guidance documents since the original publication of the guide.

On October 21, 2010, the Commission issued SRM–COMWCO–10–0001, which clarified the scope of the cyber security rule. In the SRM, the Commission determined as a matter of policy that the NRC's cyber security regulation (10 CFR 73.54) should be interpreted to include Systems Structures and Components in the Balance of Plant that have a nexus to radiological health and safety at NRC-licensed nuclear power plants. The Commission clarified the scope of the rule to include digital assets previously covered by cyber security regulations of the Federal Energy Regulatory Commission. In response to this SRM, the licensees updated their cyber security plans to incorporate BOP systems into their cyber security plans. This revision includes guidance for SSCs in the BOP.

Issuance of this DG, if finalized, would not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and would not otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the ''Implementation'' section of this DG, the NRC has no current intention to impose this guide, if finalized, on holders of current operating licenses or combined licenses.

However, the scope of issue finality provided extends only to the matters resolved in the license or regulatory approval. Early site permits, design certification rules, and standard design approvals typically do not address or resolve compliance with operational programs such as the cybersecurity requirements in 10 CFR 73.54. Therefore, the various issue finality provisions would not apply to applications referencing an early site permit, design certification rule, or standard design approval with respect to the security matters addressed in this draft regulatory guide.

Dated at Rockville, Maryland, this 20th day of August, 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guide and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–18231 Filed 8–22–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

39 CFR Part 111

USPS Marketing Mail Content Standards

AGENCY: Postal Service™.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Postal Service is contemplating amendment of the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to revise content standards for USPS Marketing Mail® letter-size and flat-size pieces regardless of level of sortation. This proposed change would limit all USPS Marketing Mail, regular and nonprofit, letter-size and flat-size, to content that is only paper-based/printed matter; no merchandise or goods will be allowed of any type regardless of ''value.'' All items not eligible to be sent as USPS Marketing Mail letter-size or flat-size pieces would need to shift to another product (*e.g.,* Priority Mail®, Parcel Select®) to be mailed. In an effort to obtain as much customer and mailer feedback as possible, the Postal Service will post this advance notice of proposed rulemaking for an extended comment period.

DATES: Comments on this advance notice of proposed rulemaking are due October 22, 2018.

ADDRESSES: Mail or deliver written comments to the Manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5015. Comments and questions can also be emailed to *ProductClassification@usps.gov* using the subject line ''USPS Marketing Mail Content Eligibility.''

FOR FURTHER INFORMATION CONTACT: Direct questions to Elke Reuning-Elliott by email at *elke.reuning-elliott@ups.gov* or phone (202) 268–4063.

SUPPLEMENTARY INFORMATION: In order to improve both processing and the delivery of goods and merchandise moving through the mail stream, the Postal Service proposes to limit content in USPS Marketing Mail, regular and nonprofit, letter-size and flat-size pieces, to paper-based/printed matter content. The limitation to non-merchandise, paper-based/printed matter content would serve three goals: (1) Facilitate levels of service expected for the processing and delivery of merchandise that include end-to-end tracking and visibility, (2) move fulfillment of merchandise and goods out of USPS Marketing Mail, consistent with the transfer of fulfillment parcels out of Standard Mail (the predecessor to USPS Marketing Mail) in Docket No. MC2010–36, and (3) reduce operational inefficiencies when machines are unable to process letter-size or flat-size shaped inflexible items. Shifting goods and merchandise out of the letter-size and flat-size categories helps improve processing capabilities and ultimately shifts these items to mail streams with full end-to-end tracking capability consistent with market expectations. The Postal Service has many products available to support this shift and seeks to align postal processing with the intentions of its mailing customers. This shift also simplifies the mailing experience: Letter-size and flat-size pieces will move through processing and delivery more efficiently. Packages with goods and merchandise will have an Intelligent Mail® package barcode (IMpb®) and will travel through the package network stream.

Ruth Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2018–18105 Filed 8–22–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2018–0490; FRL–9982–74—Region 3]

Air Plan Approval; Maryland; Continuous Opacity Monitoring Requirements for Municipal Waste Combustors and Cement Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Maryland (SIP Revision 16–04). This revision pertains to clarifying continuous opacity monitoring requirements and visible emission standards for municipal waste combustors (MWCs) and Portland cement plants. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 24, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2018–0490 at *http://www.regulations.gov,* or via email to *Spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted,

comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 814–2181, or by email at *pino.maria@epa.gov.*

SUPPLEMENTARY INFORMATION: On May 10, 2016, the Maryland Department of the Environment (MDE) submitted a revision to its SIP to clarify visible emissions (VE) and continuous opacity monitor (COM) requirements for MWCs and Portland cement plants. On February 28, 2018, MDE submitted to EPA a clarification letter from MDE Secretary Ben Grumbles to EPA Regional Administrator Cosmo Servidio, withdrawing definitions for continuous burning and operating time, COMAR 26.11.01.01B(8–1) and (27–1), respectively. EPA acknowledged the withdrawal in a letter dated June 20, 2018 from EPA Region 3 Air Protection Division Director, Cristina Fernandez to MDE Secretary Ben Grumbles. That portion of the submittal is longer pending before EPA.

I. Background

The revision consists of amendments to Regulation .10 under COMAR 26.11.01, General and Administrative Provisions, and Regulation .04 under COMAR 26.11.08, Control of Incinerators. These amendments clarify requirements for MWCs and Portland cement plants that demonstrate compliance with VE standards through use of continuous opacity monitors (COMs). Following the initial revision, MDE withdrew the definitions for continuous burning and operating time, COMAR 26.11.01.01B(8–1) and (27–1) respectively, as amendments to Regulation .10 under COMAR 26.11.01, from EPA's consideration for inclusion into Maryland's SIP. MDE is in the process of repealing these definitions under a separate rulemaking. This will ensure consistency between MDE's state regulations and Maryland's federally enforceable SIP.

II. Summary of SIP Revision and EPA Analysis

A. Amendments to COMAR 26.11.01.10, Continuous Opacity Monitoring Requirements

1. Under COMAR 26.11.01.10A, Applicability and Exceptions, MDE had added a new section, numbered 6 (COMAR 26.11.01.10A(6)). This new section 6 requires sources that cannot comply with VE limits to request approval of alternate VE limits following the recommendations at 80 FR 33980. Alternative limits must be approved by MDE and then submitted to EPA for approval into the Maryland SIP. This amendment to the Maryland SIP is acceptable to EPA, as it complies with EPA's requirements for alternative limits at 80 FR 33980 and requires EPA's approval of any alternate VE limits into the Maryland SIP.

2. Under COMAR 26.11.01.10B, General Requirements for COMs, section 3 (COMAR 26.11.01.10B(3)) is amended to clarify that a COM must comply with the applicable requirements in 40 CFR part 51, appendix P in its entirety. The previous SIP-approved section 3 specified that the only requirements in 40 CFR part 51, appendix P that applied were sections 3.3–3.9. This amendment is acceptable to EPA, as 40 CFR part 51, appendix P, Minimum Emission Monitoring Requirements, sets out the minimum requirements for continuous emission monitoring and recording.

3. Under COMAR 26.11.01.10B, General Requirements for COMs, MDE added a new section 5 to clarify COM requirements for the owners and operators of cement kilns and clinker coolers that are operating a COMs.

- New subsection 5a (COMAR 26.11.01.10B(5)(a)) states that owners and operators of cement kilns or clinker coolers may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.30.05B, Visible Emission Standards, which is already approved into the Maryland SIP. This new subsection is simply clarifying existing, SIP-approved requirements. Therefore, this amendment is approvable.
- New subsection 5b (COMAR 26.11.01.10B(5)(b)) states that visibility standards in COMAR 26.11.30.05B(1) and (2) do not apply to emissions as specified in COMAR 26.11.06.02A(2) during EPA reference Method 9 observations. COMAR 26.11.06.02A(2) is already approved into the Maryland SIP. This new subsection is clarifying existing, SIP-approved requirements. Therefore, this amendment is approvable.
- The new subsection 5c (COMAR 26.11.01.10B(5)(c)) clarifies a requirement in COMAR 26.11.30.05B(2), which prohibits VE ''visible to human observers.'' New subsection 5c specifies that, when a cement kiln or clinker cooler is using a COM, VE ''visible to a human observer'' are equal to or greater than 10 percent opacity. This interpretation of ''not visible to human observers'' was previously SIP-approved in Maryland's ''Technical Memorandum 90–01 Continuous Emission Monitoring (CEM) Policies and Procedures'' (TM 90–01), which established Maryland's policy for state enforcement of Maryland's CEM requirements found in COMAR 26.11.01.10 and 26.11.01.11. As stated on page four of TM 90–01, ''The Department has determined that a human observer will report an opacity of between zero and 10 percent as no visible emissions.'' TM 90–01 is available for reference in the docket for this rulemaking, Docket ID No. EPA–R03–OAR–2018–0490, at *http://www.regulations.gov.* EPA approved TM 90–01 into the Maryland's SIP on February 28, 1996. *See* 61 FR 7418. However, over the course of several years, MDE decided to directly incorporate certain requirements contained in TM 90–01 into the text of Maryland's regulations instead of merely referring to TM 90–01 in the regulatory text and discontinued the use of TM 90–01. In a series of rulemakings, MDE incorporated provisions from TM 90–01 into Maryland's COMAR regulations and removed references to TM 90–01 from the SIP. An earlier SIP revision, Maryland's SIP Revision #15–05, submitted on November 24, 2015 and clarified and amended on February 26, 2016, included, among other amendments, revisions to COMAR 26.11.01.10 that removed references to TM 90–01. EPA approved Maryland's SIP Revision #15–05 on November 7, 2016 (81 FR 78048). Maryland's SIP Revision #16–04, the subject of this rulemaking, moved the interpretation of ''not visible to a human observer'' from TM 90–01 into COMAR 26.11.01.10B(5)(c) and 26.11.01.10B(6)(b). SIP Revision #16–05, which Maryland also submitted on May 10, 2016, removed references to TM 90–01 for MWCs in COMAR 26.11.08.08.

On May 31, 2018 (83 FR 24940), EPA approved Maryland SIP Revision #16–05. Because new subsection 5c is merely moving SIP-approved provisions from discontinued TM 90–01 into Maryland's COMAR regulations, this amendment is approvable.

• The new subsection 5d (COMAR 26.11.01.10B(5)(d)) clarifies that for owners or operators of cement kilns or clinker coolers operating COMs, compliance with VE standards is achieved if visible emissions do not exceed the applicable VE limitations in 26.11.30.05B(1) or (2), as applicable. This new subsection is clarifying existing, SIP-approved requirements. Therefore, this amendment is approvable.

• The new subsection 5e (COMAR 26.11.01.10B(5)(e)) states that MDE may determine compliance with VE limits by performing EPA Method 9 observations, notwithstanding the requirements of 26.11.01.10B(5)(a)–(d). Method 9 is an approved EPA test method for VE compliance. Therefore, this amendment is approvable.

• New subsection 5f (COMAR 26.11.01.10B(5)(f)) requires owners and operators of cement kilns or clinker coolers operating COMs to meet the quality assurance requirements under COMAR 26.11.31, Quality Assurance Requirements for Continuous Opacity Monitors (COMs). COMAR 26.11.31 is approved into the Maryland SIP. *See* 81 FR 78048. This new subsection is clarifying existing, SIP-approved requirements. Therefore, this amendment is approvable.

4. Under COMAR 26.11.01.10B, General Requirements for COMs, MDE added a new section 6 to clarify COM requirements for the owners and operators of MWCs that are required to install and operate a COMs.

• New subsection 6a (COMAR 26.11.01.10B(6)(a)) states that owners and operators of MWCs may not cause or permit the discharge of emissions which exceed the visibility standards in COMAR 26.11.08.04 as determined by EPA Method 9 observations. COMAR 26.11.08.04, Control of Incinerators, Visible Emissions, is approved into the Maryland SIP and, as previously stated, Method 9 is an EPA approved method for determining compliance with VE standards. COMAR 26.11.08.01 defines incinerators to include those burning municipal waste, *i.e.,* MWCs. This amendment is clarifying the standards for MWCs. Therefore, this amendment is approvable.

• COMAR 26.11.08.04A(2) prohibits discharge of emissions from any hazardous waste incinerator that are ''visible to human observers.'' New subsection 6b (COMAR 26.11.01.10B(6)(b)) clarifies that, when using a COM, VE ''visible to [a] human observer[s]'' are equal to or greater than 10 percent opacity for the purpose of determining compliance with COMAR 26.11.08.04. COMAR 26.11.08.04 is already SIP-approved. As stated previously in this notice (in EPA's discussion of COMAR 26.11.0110B(5)(c)), this interpretation of ''not visible to human observers'' was previously SIP-approved on page four of TM 90–01. Because new subsection 6b is merely moving SIP-approved provisions from discontinued TM 90–01 into Maryland's COMAR regulations, this amendment is approvable.

• New subsection 6c (COMAR 26.11.01.10B(6)(c)) clarifies that for owners and operators of MWCs required to install and operate a COM, compliance with VE standards is achieved if VE do not exceed 10 percent opacity for a 6-minute block average during the unit's operating time. This 10 percent VE limit with a 6-minute average is consistent with the previously SIP-approved interpretation of ''not visible to human observers'' in TM 90–01 and the VE limits in EPA's NSPS for MWCs at 40 CFR 60.52a(b) and 60.52b(a)(2). Therefore, this amendment is approvable.

• New subsection 6d (COMAR 26.11.01.10B(6)(d)) states that, notwithstanding the requirements in section B(6)(a)–(c), MDE may determine compliance with VE limits by performing EPA Method 9 observations. EPA reference Method 9—Visual Determination of the Opacity of Emissions from Stationary Sources Observations, found in appendix A–4 to 40 CFR part 60, is an approved EPA test method for VE compliance. Therefore, this amendment is approvable.

• New subsection 6e (COMAR 26.11.01.10B(6)(e)) requires owners and operators of MWCs operating COMs to meet the quality assurance requirements under COMAR 26.11.31, Quality Assurance Requirements for Continuous Opacity Monitors (COMs). COMAR 26.11.31 is approved into the Maryland SIP. This new subsection is clarifying existing, SIP-approved requirements. Therefore, this amendment is approvable.

5. MDE has repealed COMAR 26.11.01.10F and is requesting its removal from the SIP. COMAR 26.11.01.10F required fuel burning equipment subject to the COM requirements in COMAR 26.11.09.05 and cement kilns subject to the COM requirements in COMAR 26.11.30 to meet the COM requirements contained in COMAR 26.11.31. COMAR 26.11.09.05, Visible Emissions, COMAR 26.11.30, Control of Portland Cement Manufacturing Plants, and COMAR 26.11.31, Quality Assurance Requirements for Continuous Opacity Monitors (COMs), are approved in the Maryland SIP. COMAR 26.11.31 is applicable to all source owners using COMs, as specified in COMAR 26.11.31.02. Thus, COMAR 26.11.01.10F is a redundant requirement. Therefore, removal from the SIP is approvable.

B. Amendments to COMAR 26.11.08, Control of Incinerators

MDE added a new section D to Regulation .04, Visible Emissions, under COMAR 26.11.08 (COMAR 26.11.08.04D). This new section D clarifies that owners of MWCs required to install and operate COMs are subject to the requirements in COMAR 26.11.01.10, Continuous Opacity Monitoring Requirements. As discussed previously, the new provisions in COMAR 26.11.01.10B(6) clarify COM requirements for the owners and operators of MWCs. This amendment clarifies existing, SIP-approved requirements by directing owners and operators of MWCs to COMAR 26.11.01.10 where the applicable COMs requirements are set out. Therefore, this amendment is approvable.

III. Proposed Action

EPA's review of this material indicates that Maryland's amendments to Regulation .10 under COMAR 26.11.01, General and Administrative Provisions, and Regulation .04 under COMAR 26.11.08, Control of Incinerators, in Maryland's SIP Revision 16–04, related to COMs and VE requirements for cement plants and MWCs, clarify requirements in the existing Maryland SIP and are approvable. Therefore, EPA is proposing to approve Maryland's SIP Revision 16–04, which MDE submitted to EPA on May 10, 2016, except for the definitions of continuous burning and operating time that MDE withdrew from SIP Revision 16–04 on February 28, 2018. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference MDE's amendments to Regulation .10 under COMAR 26.11.01,

General and Administrative Provisions, and Regulation .04 under COMAR 26.11.08, Control of Incinerators contained in SIP Revision 16–04. As described previously, the amendments to COMAR 26.11.01.10, Continuous Opacity Monitoring Requirements, are as follows: (1) Add a new section 6 to COMAR 26.11.01.10A, Applicability and Exceptions; (2) amend section 3 under COMAR 26.11.01.10B, General Requirements for COMs; (3) add new sections 5 and 6 under COMAR 26.11.01.10B; and (4) remove COMAR 26.11.01.10F, which has been repealed by the State. The amendment to COMAR 26.11.08, Control of Incinerators, consists of an addition of a new section D to Regulation .04, Visible Emissions. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

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

In addition, this proposed rule, proposing to approve Maryland SIP Revision 16–04, COMs requirements for MWCs and Cement Plants, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: August 9, 2018.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2018–18276 Filed 8–22–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 5b

RIN 0991–AC10

Privacy Act; Implementation

AGENCY: Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (the Act), the Department of Health and Human Services (HHS or Department) is proposing to exempt a new system of records, System No. 09–90–1701, HHS Insider Threat Program Records, from certain requirements of the Act.

DATES: Comments on this notice must be received by September 24, 2018.

ADDRESSES: The public should address written comments on this notice by email to *hhsinth@hhs.gov* or by mail to the HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: General questions about the NPRM may be submitted to the Assistant Deputy Secretary for National Security by email to *hhsinth@hhs.gov,* by telephone to (202) 690–5756, or by mail to the HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

SUPPLEMENTARY INFORMATION:

I. Background on the Insider Threat Program and New System of Records 09–90–1701

Each federal agency is mandated by Presidential Executive Order 13587, issued October 7, 2011, to establish an insider threat detection and prevention program to ensure the security of classified networks and the responsible sharing and safeguarding of classified information consistent with appropriate protections for privacy and civil liberties. The order states in section 2.1:

The heads of agencies that operate or access classified computer networks shall have responsibility for appropriately sharing and safeguarding classified information on computer networks. As part of this responsibility, they shall implement an insider threat detection and prevention program consistent with guidance and standards developed by the Insider Threat Task Force established in section 6 of this order.

A threat need not be directed at classified information to threaten classified networks. Consequently, insider threats include any of the following: Attempted or actual espionage, subversion, sabotage, terrorism, or extremist activities directed against the Department and its personnel, facilities, information resources, and activities; unauthorized use of or intrusion into automated information systems; unauthorized disclosure of classified, controlled unclassified, sensitive, or proprietary information to technology; indicators of potential insider threats or other incidents that may indicate activities of an insider threat; and other threats to the Department, such as indicators of potential for workplace violence or misconduct.

The office that will administer the Department's Insider Threat Program, the Office of Security and Strategic Information (OSSI), serves as the Department's Federal Intelligence Coordinating Office (FICO), which is responsible for coordinating the sharing and safeguarding of classified national security information between HHS and its operating divisions and with the Office of the Director of National Intelligence (ODNI) and its component agencies within the Intelligence Community. Within OSSI, the Directorate of Operations (Counterintelligence) will oversee the Insider Threat Program; its responsibilities include identifying, countering, mitigating, and deterring exploitation of HHS personnel, information, assets, and other equities by foreign intelligence and security services and agents, terrorists, and transnational criminal organizations working under the direction of a foreign entity. HHS counterintelligence efforts include (1) counterintelligence inquiries and preliminary investigations, (2) national security incident investigations, (3) counterintelligence analysis, (4) insider threats detection and mitigation efforts, (5) counterintelligence and insider threat awareness, and (6) technical threat detection and mitigation.

The records that OSSI compiles to administer the HHS Insider Threat Program, which will be covered by System No. 09–90–1701, may be from any source, including from any HHS component, office, program, record or source, another government agency, or a member of the public; and may include records pertaining to information security, personnel security, or systems security. This system of records includes investigatory material compiled for law enforcement purposes and information classified in the interest of national security.

Note that System No. 09–90–1701 will not cover investigatory material that OSSI compiles solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment, military service, federal contracts, or access to classified information, because such records are covered by other HHS systems of records; specifically: 09–90–0002 ''Investigatory Material Compiled for Security and Suitability Purposes System'' with respect to HHS Office of Inspector General determinations, and 09–90–0020 ''Suitability for Employment Records'' as to all other HHS determinations.

The new system of records will consist of records compiled and used by the Department's Office of Security and Strategic Information (OSSI), within the Immediate Office of the Secretary (IOS), to administer the Department's Insider Threat Program, including law enforcement investigatory material and classified intelligence information. Such records are eligible to be exempted from certain requirements of the Privacy Act under subsections (k)(1) and (k)(2) of the Act. The exemptions proposed for those records are necessary and appropriate to protect the integrity of insider threat investigations and records and prevent disclosure of information that would reveal investigation subjects, investigative and security techniques, national security information, security sensitive information, personal privacy information, and identities of confidential sources and law enforcement personnel involved in investigations. Elsewhere in today's **Federal Register** HHS has published a System of Records Notice (SORN) for System No. 09–90–1701 for public notice and comment which describes the new system of records in more detail.

The Privacy Act requirements from which HHS is proposing to exempt eligible records in System No. 09–90–1701 are those contained in subsections (c)(3), (d)(1)–(4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act, which require the agency to provide an accounting of disclosures; provide notification, access, and amendment rights, rules, and procedures; maintain only relevant and necessary information; and identify categories of record sources. If the HHS Insider Threat Program obtains law enforcement investigatory material from another Privacy Act system of records that has been exempted from Privacy Act requirements based on subsection (j)(2) of the Act, that material will be exempt in System No. 09–90–1701 to the same extent it is exempt in the source system, so may be exempt from any of these subsections of the Act: (c)(3)–(4); (d)(1)–(4); (e)(1)–(3), (e)(4)(G)–(I), (e)(5), (e)(8), (e)(12); (f); (g); and (h).

II. Proposed Exemptions and Affected Records

The Insider Threat Program system of records includes investigatory material compiled for law enforcement purposes and information classified in the interest of national security. While OSSI does not perform criminal law enforcement activity as its principal function, OSSI may compile in System No. 09–90–1701 material obtained from other agencies or components which perform as their principal function activities pertaining to the enforcement of criminal laws, and which have exempted their records from certain Privacy Act requirements, based on 5 U.S.C. 552a(j)(2). All other investigatory material compiled for law enforcement purposes is eligible to be exempted from certain Privacy Act requirements based on 5 U.S.C. 552a(k)(2). Information classified in the interest of national security is eligible to be exempted from certain Privacy Act requirements, based on 5 U.S.C. 552a(k)(1). Accordingly, the Department is establishing these exemptions for System No. 09–90–1701:

- Law enforcement investigatory material that is from another system of records in which such material was exempted from access and other requirements of the Privacy Act (the Act), based on 5 U.S.C. 552a(j)(2), will be exempt in System No. 09–901701 on the same basis (5 U.S.C. 552a(j)(2)) and from the same requirements as in the source system, which may include any of these requirements of the Act: (c)(3)–(4); (d)(1)–(4); (e)(1)–(3), (e)(4)(G)–(I), (e)(5), (e)(8), (e)(12); (f); (g); and (h);
- All other law enforcement investigatory material in System No. 09–90–1701 will be exempt, based on 5 U.S.C. 552a(k)(2), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), and (e)(4)(G)–(I), and (f) of the Act, However, if any individual is denied a right, privilege, or benefit to which the individual would otherwise be entitled by Federal law or for which the individual would otherwise be eligible, access will be granted, except to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality; and
- Information that is classified in the interest of national security will be exempt, based on 5 U.S.C. 552a(k)(1), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), and (e)(4)(G)–(I), and (f) of the Act.

III. Exemption Rationales

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k). Where HHS determines compliance would not appear to interfere with or adversely affect the purpose of this system to detect, deter, or mitigate insider threats, the applicable exemption may be waived by HHS in its sole discretion. Exemptions from the particular subsections are necessary and appropriate, and justified for the following reasons:

- *5 U.S.C. 552a(c)(3) (the requirement to provide accountings of disclosures) and 5 U.S.C. 552a(d)(1)–(4) (requirements addressing notification, access, and amendment rights,*

collectively referred to herein as access requirements). Providing individual record subjects with accountings of disclosures and with notification, access, and amendment rights with respect to Insider Threat Program records could reveal the existence of an investigation, investigative interest, investigative techniques, details about an investigation, security-sensitive information such as information about security measures and security vulnerabilities, information that must remain non-public to protect national security or personal privacy-identities of law enforcement personnel, or other sensitive or classified information. Revealing such information to record subjects would thwart or impede pending and future law enforcement investigations and efforts to protect national security, and would violate personal privacy. Revealing the information would enable record subjects or other persons to evade detection and apprehension by security and law enforcement personnel; destroy, conceal, or tamper with evidence or fabricate testimony; or harass, intimidate, harm, coerce, or retaliate against witnesses, complainants, investigators, security personnel, law enforcement personnel, or their family members, their employees, or other individuals. With respect to investigatory material compiled for law enforcement purposes, the exemption pursuant to 5 U.S.C. 552a(k)(2) from access requirements in subsection (d) of the Act is statutorily limited. If any individual is denied a right, privilege, or benefit to which the individual would otherwise be entitled by Federal law or for which the individual would otherwise be eligible, access will be granted, except to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality.

• *5 U.S.C. 552a(e)(1) (the requirement to maintain only relevant and necessary information authorized by statute or Executive Order).* It will not always be possible to determine at the time information is received or compiled in this system of records whether the information is or will be relevant and necessary to a law enforcement investigation or to protecting national security. For example, a tip or lead that does not appear relevant or necessary to uncovering an insider threat by itself or at the time the tip or lead is received may prove to be relevant and necessary when combined with other information that reveals a pattern or that comes to light later.

• *5 U.S.C. 552a(e)(4)(G) and (H) (the requirements to describe procedures by which subjects may be notified of whether the system of records contains records about them and seek access or amendment of a record).* These requirements concern individual access to records, and the records are exempt under (c) and (d), as described above. To the extent that *(e)(4)(G) and (H)* are interpreted to require more detailed procedures regarding record notification, access, or amendment than have been published in the **Federal Register**, exemption from those provisions is necessary for the same rationale as applies to (c) and (d).

• *5 U.S.C. 552a(e)(4)(I) (the requirement to describe the categories of record sources).* To the extent that this subsection is interpreted to require a more detailed description regarding the record sources in this system than has been published in the **Federal Register**, exemption from this provision is necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and others who provide information to HHS. Further, greater specificity of sources of properly classified records could compromise national security. Moreover, because records used in the Insider Threat Program could come from any source, it is not possible to know every category in advance in order to list them all in the SORN. Some record source categories may not be appropriate to make public in the SORN if, for example, revealing them could enable record subjects or other individuals to discover investigative techniques and devise ways to bypass them to evade detection and apprehension.

• *5 U.S.C. 552a(f) (the requirement to promulgate rules to implement provisions of the Privacy Act).* To the extent that this subsection is interpreted to require agency rules addressing the above exempted requirements, exemption from this provision is also necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and others who provide information to HHS. Greater specificity in rulemaking regarding properly classified records could compromise national security.

IV. Analysis of Impacts

The agency has reviewed this rule under Executive Orders 12866 and 13563, which direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to maximize the net benefits. The agency believes that this rule is not a significant regulatory action under Executive Order 12866, and therefore does not constitute an Executive Order 13771 regulatory action, because it will not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, 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 set forth in Executive Order 12866.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the rule imposes no duties or obligations on small entities, the Department certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2015) Implicit Price Deflator for the Gross Domestic Product. The Department does not expect that this final rule would result in any one-year expenditure that would meet or exceed this amount.

List of Subjects in 45 CFR Part 5b

Privacy.

For the reasons stated in the preamble, the Department's Privacy Act Regulations, part 5b of 45 CFR Subtitle A, are proposed to be amended as follows:

PART 5b—PRIVACY ACT REGULATIONS

■ 1. The authority citation for Part 5b continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552a.

■ 2. Section 5b.11 is amended by adding paragraph (b)(2)(viii)(A) to read as follows:

§ 5b.11 Exempt systems.

* * * * *

(b) * * *

(2) * * *

(viii) * * *

(A) HHS Insider Threat Program Records, 09–90–1701.

Dated: June 29, 2018.

Michael Schmoyer,

Assistant Deputy Secretary for National Security.

Dated: August 13, 2018.

Alex M. Azar II,

Secretary.

[FR Doc. 2018–17888 Filed 8–22–18; 8:45 am]

BILLING CODE 4151–17–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 13–24 and 03–123; DA 18–818]

Petitions for Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: The Consumer and Governmental Affairs Bureau seeks comment on two Petitions for Reconsideration (Petitions).

DATES: Oppositions to the Petitions must be filed on or before September 7, 2018. Replies to oppositions must be filed on or before September 17, 2018.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FUTHER INFORMATION CONTACT: Michael Scott, Consumer and Governmental Affairs Bureau, at: (202) 418–1264; email: *Michael.Scott@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, DA 18–818, released August 6, 2018. The full text of the Petitions is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *https://ecfsapi.fcc.gov/file/10727293 1103590/Sprint%20Petition%20for%20 Reconsideration%20 REDACTED%20VERSION%20 filed%20072718.pdf* and *https://ecfsapi.fcc.gov/file/107091809005003/ Sprint%20Petition%20re%20ASR %20filed%20070918.pdf.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. because no rules are being adopted by the Commission.

Subject: IP CTS Modernization Reform, Report and Order and Declaratory Ruling, FCC 18–79, published at 83 FR 30082, June 27, 2018, in CG Docket Nos. 13–24 and 03–123. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 2.

Petitions for Reconsideration have been filed in the Commission's Rulemaking proceeding by Scott R. Freiermuth, on behalf of Sprint Corporation.

Federal Communications Commission.

Eliot Greenwald,

Deputy Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau.

[FR Doc. 2018–18248 Filed 8–22–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2018–0248]

RIN 2126–AC19

Hours of Service

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notification of public listening session.

SUMMARY: The FMCSA announces that it will hold a public listening session concerning potential changes to its hours-of-service (HOS) rules for truck drivers. This will be the first in a series of listening sessions on this topic. On August 21, 2018, FMCSA issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking public comment on four specific aspects of the HOS rules for which the Agency is considering changes: The short-haul HOS limit; the HOS exception for adverse driving conditions; the 30-minute rest break provision; and the split-sleeper berth rule to allow drivers to split their required time in the sleeper berth. In addition, the Agency requested public comment on petitions for rulemaking from the Owner-Operator Independent Drivers Association (OOIDA) and TruckerNation.org (TruckerNation). The Agency encourages vendors of electronic logging devices (ELDs) to participate to address potential implementation issues should changes to the HOS rules be made. The listening session will be held in Dallas, Texas, and will be webcast for the benefit of those not able to attend in person. The listening session will allow interested persons to present comments, views, and relevant research on topics mentioned above. All comments will be transcribed and placed in the rulemaking docket for the FMCSA's consideration.

DATES: The listening session will be August 24, 2018, in Dallas, TX., at the Kay Bailey Hutchison Convention Center, 650 S Griffin St, Dallas, TX 75202. The session will begin at 3 p.m. local time and end at 5 p.m., or earlier, if all participants wishing to express their views have done so. Subsequent documents will be published to announce dates, times, and locations of the other sessions.

ADDRESSES: The August 24, 2018, meeting will be held at the Kay Bailey Hutchison Convention Center, 650 S Griffin St, Dallas, TX 75202.

You may submit comments identified by Docket Number FMCSA-2018-0248 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.
- *Submissions Containing Confidential Business Information (CBI):* Mr. Brian Dahlin, Chief, Regulatory Analysis Division, 1200 New Jersey Avenue SE, Washington, DC 20590.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: For information on the listening session, contact Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety

Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, at (202) 385–2395, or via email: *shannon.watson@dot.gov.* For information concerning the HOS rules, contact Mr. Tom Yager, Chief, Driver and Carrier Operations Division, (202) 366–4325, *mcpsd@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request For Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this ANPRM (Docket No. FMCSA–2018–0248), indicate the specific section of this document to which each section applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0248, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period for the ANPRM. Late comments will be considered to the extent practicable.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is customarily not made available to the public by the submitter. Under the Freedom of Information Act, CBI is eligible for protection from public disclosure. If you have CBI that is relevant or responsive to the ANPRM and associated listening sessions, it is important that you clearly designate the submitted comments as CBI. Accordingly, please mark each page of your submission as ''confidential'' or ''CBI.'' Submissions designated as CBI and meeting the definition noted above will not be placed in the public docket for the ANPRM and associated listening sessions. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Analysis Division, 1200 New Jersey Avenue SE, Washington, DC 20590, or via email: *brian.dahlin@dot.gov.* Any commentary that FMCSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

FMCSA will consider all comments and material received during the comment period for the ANPRM.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0248, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Background

On August 21, 2018, FMCSA issued an ANPRM concerning potential changes to its hours-of-service rules. The ANPRM indicated the Agency is considering changes in four areas of the HOS rules: The short-haul HOS limit [49 CFR 395.1(e)(1)(ii)(A)]; the HOS exception for adverse driving conditions [§ 395.1(b)(1)]; the 30-minute rest break provision [§ 395.3(a)(3)(ii)]; and the split-sleeper berth rule to allow drivers to split their required time in the sleeper berth [§ 395.1(g)(1)(i)(A) and (ii)(A)]. In addition, the Agency requested public comment on petitions for rulemaking from the Owner-Operator Independent Drivers Association (OOIDA) and TruckerNation.org (TruckerNation). The ANPRM provides an opportunity for additional discussion of each of these topics. The listening session will provide interested persons to share their views on these topics with representatives of the Agency. The Agency encourages ELD vendors to participate to address potential implementation issues should changes to the HOS rules be made.

III. Meeting Participation

The listening session is open to the public. Speakers' remarks will be limited to 10 minutes each. The public may submit material to the FMCSA staff at each session for inclusion in the public docket, FMCSA–2018–0248. The session will be webcast live in its entirety, providing the opportunity for remote participation via the internet. For information on participating in the live webcast, please go to *www.fmcsa.dot.gov.*

IV. Questions for Discussion During the Listening Session

In preparing their comments, meeting participants should consider the questions posed in the ANPRM about the current HOS requirements. Answers to these questions should be based upon the experience of the participants and any data or information they can share with FMCSA.

Issued on: August 21, 2018.

Cathy F. Gautreaux,

Deputy Administrator.

[FR Doc. 2018–18380 Filed 8–21–18; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2018–0248]

RIN 2126–AC19

Hours of Service of Drivers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The introduction of electronic logging devices and their ability to accurately record compliance with hours-of-service (HOS) regulations for drivers of commercial motor vehicles (CMVs) have prompted numerous requests from Congress and the public for FMCSA to consider revising certain

HOS provisions. To address these requests, FMCSA seeks public input in four specific areas in which the Agency is considering changes: The short-haul HOS limit; the HOS exception for adverse driving conditions; the 30-minute rest break provision; and the sleeper berth rule to allow drivers to split their required time in the sleeper berth. In addition, the Agency seeks public comment on petitions for rulemaking from the Owner-Operator Independent Drivers Association (OOIDA) and TruckerNation.org (TruckerNation). OOIDA petitioned the Agency to amend the HOS rules to allow drivers to take a rest break once per 14-hour duty period for up to three consecutive hours if the driver is off-duty. OOIDA's petition also requests that the Agency eliminate the 30-minute rest break requirement which the Agency had identified as an area of consideration for rulemaking. TruckerNation petitioned the Agency to revise the prohibition against driving after the 14th hour of the beginning of the work shift, allow drivers to use multiple off-duty periods of three hours or longer in lieu of having 10 consecutive hours off-duty, and eliminate the 30-minute rest break requirement.

DATES: Comments on this ANPRM must be received on or before September 24, 2018.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2018–0248 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.
- *Submissions Containing Confidential Business Information (CBI):* Mr. Brian Dahlin, Chief, Regulatory Evaluation Division, 1200 New Jersey Avenue SE, Washington, DC 20590.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including collection of information comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–4325.

If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: This ANPRM is organized as follows:

I. Public Participation and Request for Comments
A. Submitting Comments
B. Viewing Comments and Documents
C. Privacy Act
D. Public Meeting
II. Abbreviations and Acronyms
III. Legal Basis for the Rulemaking
IV. Background
A. Short-Haul Operations
B. Adverse Driving Conditions
C. 30-Minute Break
D. Split-Sleeper Berth
V. Comments Sought

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this ANPRM (Docket No. FMCSA–2018–0248), indicate the specific section of this document to which each section applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2018–0248, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this proposed rule based on your comments. Late comments will be considered to the extent practicable. FMCSA may issue a proposed rule at any time after the close of the comment period.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is customarily not made available to the general public by the submitter. Under the Freedom of Information Act, CBI is eligible for protection from public disclosure. If you have CBI that is relevant or responsive to this ANPRM, it is important that you clearly designate the submitted comments as CBI. Accordingly, please mark each page of your submission as ''confidential'' or ''CBI.'' Submissions designated as CBI and meeting the definition noted above will not be placed in the public docket of this ANPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, 1200 New Jersey Avenue SE, Washington, DC 20590. Any commentary that FMCSA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2018–0248, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–

14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

II. Abbreviations and Acronyms

CMV Commercial motor vehicle
DOT Department of Transportation
ELD Electronic logging device
FR Federal Register
HOS Hours of service
U.S.C. United States Code

III. Legal Basis for the Rulemaking

This ANPRM is based on the authority of the Motor Carrier Act of 1935 and the Motor Carrier Safety Act of 1984 (1984 Act). The Motor Carrier Act of 1935 provides that ''The Secretary of Transportation may prescribe requirements for (1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and, (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation.'' (49 U.S.C. 31502(b)).

The HOS regulations discussed below concern the ''maximum hours of service of employees of . . . a motor carrier'' (49 U.S.C. 31502(b)(1)) and the ''maximum hours of service of employees of . . . a motor private carrier[.]'' (49 U.S.C. 31502(b)(2)). The adoption and enforcement of such rules were specifically authorized by the Motor Carrier Act of 1935. This ANPRM rests in part on that authority.

The 1984 Act provides concurrent authority to regulate drivers, motor carriers, and vehicle equipment. It requires the Secretary of Transportation to ''prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles.'' Although this authority is very broad, the 1984 Act also includes specific requirements: ''At a minimum, the regulations shall ensure that (1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely . . .; and (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators[.]'' (49 U.S.C. 31136(a)).

This ANPRM is also based on the authority of the 1984 Act, specifically section 31136(a)(2) and, less directly, sections 31136(a)(3) and (4). To the extent section 31136(a)(1) focuses on the mechanical condition of CMVs, that subject is not included in this rulemaking. However, as the phrase ''operated safely'' in paragraph (a)(1) also addresses safe driving practices, this proposed rule also addresses that mandate.

Before prescribing any regulations, FMCSA must also consider their ''costs and benefits'' (49 U.S.C. 31136(c)(2)(A) and 31502(d)). The Agency seeks information on those factors in this ANPRM.

IV. Background

Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, issued on January 30, 2017, directs executive agencies of the Federal government to ''manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.'' (82 FR 9339). E.O. 13777, Enforcing the Regulatory Reform Agenda, issued on February 24, 2017, sets forth regulatory reform initiatives and policies to ''alleviate unnecessary regulatory burdens placed on the American people.'' [82 FR 12285]. In accordance with those Presidential directives and based upon its experience and expertise, FMCSA reviewed the driver HOS regulations and, as explained below, seeks information in the following four areas to determine if revisions may alleviate unnecessary regulatory burdens while maintaining CMV driver and motor carrier safety, as well as the safety of the public. On May 17, 2018 Administrator Martinez received a letter signed by 30 Senators expressing support for greater flexibility within hours of service regulations. In addition, numerous pieces of legislation were proposed or introduced in both chambers of Congress to address reforming current regulations.

Briefly, the HOS rules limit CMV drivers to 11 hours of driving time within a 14-hour window after coming on duty following 10 consecutive hours off duty (except that drivers who use sleeper berths may combine 2 hours of off-duty time with 8 consecutive hours in the sleeper berth). Drivers must take at least 30 minutes off duty no later than 8 hours after coming on duty if they wish to continue driving after the 8th hour. Drivers must record their on- and off-duty time in records of duty status (RODS)—previously captured in paper ''logs'' but today (with some exceptions) through electronic logging devices (ELDs). Drivers may not drive after having accumulated 60 hours of on-duty time in 7 consecutive days, or 70 hours in 8 days, but they may restart the 60/70-hour ''clock'' by taking 34 consecutive hours off duty.

A. Short-Haul Operations

Under 49 CFR 395.1(e)(1)(ii)(A), drivers do not have to prepare RODS or use an ELD if they meet certain conditions, including a return to their work reporting location and release from work within 12 consecutive hours. Drivers operating under this provision therefore have a 12-hour window in which to drive up to 11 total hours. Other truck (though not bus) drivers have a 14-hour window in which to drive up to 11 total hours. [49 CFR 395.3(a)(2)–(3)].

B. Adverse Driving Conditions

The current rule in § 395.1(b)(1) allows 2 additional hours of driving time under adverse conditions, which are defined in § 395.2 as ''snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.'' Although the rule allows up to 13 hours of driving time under adverse conditions, instead of the normal 11 hours, it does not provide a corresponding extension of the 14-hour driving window to 16 hours.

C. 30-Minute Break

Under 49 CFR 395.3(a)(3)(ii), except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes. (The 30-minute break rule does not apply to drivers who operate CMVs within a 100 air-mile radius of their normal work-reporting location and return to that location within 12 hours, as authorized by § 395.1(e)(1), or to drivers who do not need a Commercial Driver's License (CDL), operate within a 150 air-mile radius of their work reporting location, and meet certain other requirements, as authorized by § 395.1(e)(2)).

D. Split Sleeper Berth Time

There are special HOS rules for CMV drivers who operate vehicles equipped with a sleeper-berth. In essence, these rules allow a sleeper-berth user to divide the minimum 10 hours off-duty into an equivalent two separate periods. Drivers who use sleeper berths, as defined in § 393.76, must take at least 8 consecutive hours of the 10-hour off-duty period in the sleeper berth as required by § 395.1(g)(1)(ii)(A)(1). In

addition to the 8- through 10-hour sleeper-berth period, in order to acquire additional driving time the driver using the sleeper berth exception must, either earlier or later in the duty period, have a separate period of at least 2 hours off-duty, which may be in the sleeper berth if desired. It does not matter which rest period is taken first. After the second required rest period is completed, the driver will have a new point on the clock from which to calculate hours available.

The Agency also announced a proposal on ''Pilot Program To Allow Commercial Drivers To Split Sleeper Berth Time'' on June 6, 2017 (82 FR 26232). This program, planned for Fall 2018, would monitor a limited number of commercial drivers with CDLs and who regularly use a sleeper berth to accumulate their required 10 hours of non-duty work status. During the pilot program, participating drivers would have the option to split their sleeper berth time into two periods, each of which must be at least 2 hours long. Driver metrics would be collected for the duration of the study, and participants' safety performance and fatigue levels will be analyzed. Additional information on the pilot program, including the timeline, can be found at: *https://www.fmcsa.dot.gov/research-and-analysis/research/flexible-sleeper-berth-pilot-program.*

E. OOIDA Petition for Rulemaking

On February 13, 2018, OOIDA petitioned FMCSA to amend the HOS rules to allow drivers to take a rest break once per 14-hour duty period for up to 3 consecutive hours if the driver is off-duty. OOIDA explained that the rest break would effectively stop the 14-hour clock. It would also extend to the 17th hour after coming on duty (instead of the current 14th hour) the latest time a driver could drive after coming on duty. However, drivers would still be limited to 11 hours of driving time and required to have at least 10 consecutive hours off duty before the start of the next work shift.

OOIDA's petition also included a request that the Agency eliminate the 30-minute rest break requirement. The organization explained that there are many operational situations where the 30-minute rest break requires drivers to stop when they do not feel tired.

A copy of OOIDA's petition is included in the docket referenced at the beginning of this ANPRM.

F. TruckerNation.org (TruckerNation) Petition for Rulemaking

On May 10, 2018, TruckerNation petitioned the Agency to revise the prohibition against driving after the 14th hour after the beginning of the work shift. As an alternative, the organization requested that the Agency prohibit driving after the driver has accumulated 14-hours of on-duty time.

In addition, TruckerNation requested that FMCSA allow drivers to use multiple off-duty periods of three hours or longer in lieu of having 10 consecutive hours off-duty, and eliminate the 30-minute rest break requirement.

TruckerNation believes the requested changes to the HOS requirements would achieve a level of safety that is equivalent to, or greater than, the level of safety that is provided by the current regulations.

A copy of TruckerNation's petition is included in the docket referenced at the beginning of this ANPRM.

V. Comments Sought

The Agency specifically seeks comments and data from the public in response to this ANPRM. We request that commenters address their comments specifically to the enumerated list of issues below, and number their comments to correspond to each issue. FMCSA anticipates that some of the information and data sought may include confidential business information. These comments should be filed in accordance with the requirements of 49 CFR 389.9 *Treatment of confidential business information* and the instructions under the subheading *Confidential Business Information,* under the headings **ADDRESSES** and Public Participation and Request for Comments.

1. Short-haul operations.

a. Do you have any data to show that extending the 12-hour period for the short-haul exception to the RODS/ELD requirements to 14 hours would change the safety performance of carriers using the short-haul provision?

b. How specifically would a 14-hour period change your driver or carrier operations as compared to 12 hours?

c. What would the incremental change be for your operations/business if the exemption was changed to 14 hours? For example, would your operations expand or would your drivers/carriers move from non-exempt status to exempt status. What would be the economic impacts of that incremental change?

2. Adverse driving conditions.

a. Is there adequate flexibility in the existing adverse driving conditions exception?

b. How often do you currently utilize the adverse driving conditions exception?

c. What are the economic impact of the current exception on your driver or carrier operation?

d. Should the definition of adverse driving conditions be changed?

e. Should the adverse driving exception apply to the 14-hour work day window, not just the 11-hour driving limit?

f. How would the above changes affect the economic costs and benefits, and the impacts on safety and fatigue of the adverse driving conditions exception?

3. 30-minute break.

a. If the 30-minute rest break rule did not exist, would drivers obtain adequate rest breaks throughout a daily driving period to relieve fatigue?

b. Are there alternatives to the 30-minute rest break that would provide additional flexibility to drivers while achieving the safety benefits goal of the current 30-minute break?

c. If a rest break is retained, should it be taken off-duty or on-duty while the driver is not driving?

d. How does the 30-minute rest break impact the efficiency of operations from a driver's or a carrier's perspective?

e. How would your suggestions impact the costs and benefits of the 30-minute break?

4. Split-sleeper berth.

a. FMCSA has announced a proposed flexible sleeper berth pilot program. Beyond the information that will be collected in the pilot program, do you have any information that would support changing the current requirements?

b. Are there alternatives that would make the sleeper berth options more effective or less costly?

c. How often do you use the sleeper berth option currently; how would this change with your suggested regulatory alternatives?

d. What cost impacts and safety benefits would result from different split sleeper berth options?

5. OOIDA Petition.

a. What specifically would change about your driver/carrier operations by extending the 14-hour driving window?

b. Is there a likely increase in safety risk from extending the 14-hour driving window? For example, would altering the current rule allowing 14 hours on duty and 10 hours off duty interfere with drivers' circadian rhythm? Could driver health be affected?

c. Would a potential increase in safety risk be lessened by the requirement that all the additional time beyond 14 hours must be off-duty time?

d. Would allowing OOIDA's request for an extended break during the work day improve safety by allowing drivers to increase the total amount of off-duty

time during and immediately following the work from 10 hours and 30 minutes to 13 hours, without reducing the maximum driving time available within 14-hour window?

e. Are there other flexibilities or other non-safety benefits that could be realized if the 14-hour window is extended?

6. TruckerNation Petition.

a. Is there a likely increase in safety risk from eliminating the consecutive 14-hour driving window? For example, would the absence of a limit on the length of the work shift—the time between the driver coming on duty after accumulating the minimum of 10 hours off-duty and the driver being prohibited from driving—combined with splitting the required 10 consecutive hours off-duty into a number of segments, interfere with drivers' circadian rhythm? Could driver health be affected? Please provide data on the costs and benefits of this approach.

b. Are there other flexibilities or other non-safety benefits that could be realized if the 14-hour window is eliminated?

Issued under authority delegated in 49 CFR 1.87 on: August 21, 2018.

Raymond P. Martinez,

Administrator.

[FR Doc. 2018–18379 Filed 8–21–18; 4:15 pm]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 83, No. 164

Thursday, August 23, 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 20, 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 24, 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), *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 and Nutrition Service

Title: National Universal Product Code (NUPC) Database.

OMB Control Number: 0584–0552.

Summary of Collection: The Healthy, Hunger-Free Kids Act of 2010 directed the Secretary of Agriculture to establish a National Universal Product Code (NUPC) database to be used by all Women, Infants, and Children (WIC) State agencies as they implement Electronic Benefit Transfer (EBT) statewide, which is a requirement of the law. The NUPC database, which serves as an electronic repository of information about foods eligible under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

Need and Use of the Information: The NUPC database will provide all State agencies with access to a central repository containing product information about authorized WIC foods which is necessary to support State agency EBT for the WIC Program. State agencies are expected to use the NUPC database to create an initial list of authorized foods eligible for redemption by WIC Program participants. State agencies may use the NUPC database to maintain their list of authorized foods and to create an Authorized Product List for distribution to Authorized Vendors operating in the EBT environment.

Description of Respondents: State, Local, or Tribal Government; Business or other for-profit.

Number of Respondents: 360.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 10,320.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–18190 Filed 8–22–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 20, 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 required 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 24, 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.

Farm Service Agency

Title: 7 CFR 766, Direct Loan Servicing—Special.

OMB Control Number: 0560–0233.

Summary Of Collection: Authority to establish the regulatory requirements contained in 7 CFR 766 is provided under 5 U.S.C. 301 which provides that ''The head of an Executive department or military department may prescribe regulations for the government of his department, the distribution and performance of its business . . .'' The

Secretary delegated authority to administer the provisions of the Act applicable to the Farm Loan Program (FLP) to the Under Secretary for Farm and Foreign Agricultural Service in section 2.16 of 7 CFR part 2. FLP provides loans to family farmers to purchase real estate equipment and finance agricultural production. The regulations covered by this information collection package describes the policies and procedures for the Farm Service Agency's (FSA) servicing of financially distressed or delinquent direct loan borrowers in accordance with the provisions of the Consolidated Farm and Rural Development Act (Act) (Pub. L. 87–128), as amended. FSA's loan servicing options include disaster set-aside, primary loan servicing (including reamortization, rescheduling, deferral, write down and conservation contracts), buyout at market value, and homestead protection.

Need and Use of the Information: Information collections are submitted by FLP direct loan borrowers to the local FSA office serving the country in which their business is headquartered. The information is necessary to provide supervised credit and authorized servicing actions to financially distressed and delinquent direct borrowers as legislatively mandated. If the information were not collected, or collected less frequently, FSA would be unable to meet the Congressionally-mandated mission of its loan program.

Description of Respondents: Business or other for-profit; Farms

Number of Respondents: 17,174.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 12,036.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–18169 Filed 8–22–18; 8:45 am]

BILLING CODE 3410–05–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wisconsin Advisory Committee for a Meeting To Discuss Civil Rights Concerns in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Wisconsin Advisory Committee (Committee) will hold a meeting on Friday, August 31, 2018, at 12:00 p.m. CST for the purpose of discussing civil rights concerns in the state.

DATES: The meeting will be held on Friday, August 31, 2018 at 12:00 p.m. CST.

Public Call Information Dial: 888–208–1814, *Conference ID:* 1317763.

FOR FURTHER INFORMATION CONTACT: Carolyn Allen at *callen@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–208–1814, conference ID: 1317763. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Program Unit Office, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wisconsin Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=282*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda

Welcome and Roll Call
Discuss Civil Rights Concerns and Future Activities in the state
Public Comment
Adjournment

Dated: August 20, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–18215 Filed 8–22–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request; Procedures for Submitting Request for Objections From the Section 232 National Security Adjustments of Imports of Aluminum and Steel

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Industry and Security.

Title: Procedures for Submitting Request for Objections from the Section 232 National Security Adjustments of Imports of Aluminum and Steel.

Form Number(s): N/A.

OMB Control Number: 0694–0138.

Type of Review: Regular submission.

Estimated Total Annual Burden Hours: 96,888.

Estimated Number of Respondents: 24,222.

Estimated Time per Response: 4 hours.

Needs and Uses: This collection of information supports Presidential Proclamations 9704, *Adjusting Imports of Aluminum into the United States* and 9705, *Adjusting Imports of Steel into the United States.* On March 8, 2018, the President issued Proclamations 9704 and 9705 concurring with the findings of the two investigation reports submitted by the Secretary of Commerce pursuant to section 232 of the Trade Expansions Act of 1962 (19 U.S.C. 1862) and determining that adjusting imports through the imposition of duties on aluminum and steel is necessary so that imports of aluminum and steel will no longer threaten to impair the national security.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov http://www.reginfo.gov/public/.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–18283 Filed 8–22–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on September 6, 2018, 10:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues NW, Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Open Session

1. Introductions and opening remarks by senior management
2. Presentation by Dr. Rocco Casagrande, ''UN Weapons Inspections in Pre-War Iraq''
3. Questions and Answers
4. Notice of Inquiry for Sprayers and Foggers
5. Open session report by regime representatives

Closed Session

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Joanna Lewis at *Joanna.Lewis@bis.doc.gov,* no later than August 30, 2018.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to Ms. Lewis via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 13, 2018, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Joanna Lewis at (202) 482–6440.

Joanna Lewis,

Committee Liaison Officer.

[FR Doc. 2018–18149 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–048]

Certain Carbon and Alloy Steel Cut-to-Length Plate From the People's Republic of China: Amended Final Results of Countervailing Duty Expedited Review

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

SUMMARY: The Department of Commerce (Commerce) is amending the final results of the countervailing duty expedited review of certain carbon and alloy steel cut-to-length plate (CTL plate) from the People's Republic of China (China) to correct a ministerial error. The period of review (POR) January 1, 2015, through December 31, 2015.

DATES: Applicable August 23, 2018.

FOR FURTHER INFORMATION CONTACT: Ryan Mullen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5260.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(k), on July 19, 2018, Commerce published its *Final Results* of the countervailing duty expedited review of CTL plate from China.[1] On July 24, 2018, Jiangsu Tiangong Tools Company Limited (TG Tools) submitted a request to correct a ministerial error in the *Final Results.*[2] No other parties submitted ministerial error allegations or comments on TG Tools' allegations.

Scope of the Order

The product covered by the order is CTL plate from China. A full description of the scope of the order is contained in the Ministerial Error Memorandum.[3]

Ministerial Errors

Section 751(h) of the Act and 19 CFR 351.224(f) define a ''ministerial error'' as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial. As discussed in Commerce's Ministerial Error Memorandum, Commerce finds that a certain error alleged by TG Tools constitutes a ministerial error within the meaning of 19 CFR 351.224(f).[4]

In the subsidy rate calculation for TG Tools, we made a ministerial error with regard to the attribution methodology for certain grants. In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* to correct the ministerial error. Specifically, we are amending the net subsidy rate for TG Tools. The revised net subsidy rate is provided below.

Amended Final Results

As a result of correcting the ministerial error, we determine that the countervailable subsidy rate for the

[1] *See Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Final Results of Countervailing Duty Expedited Review,* 83 FR 34115 (July 19, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum.

[2] *See* TG Tools' Letter, ''Ministerial Error Comments,'' dated July 24, 2018 (Ministerial Error Comments).

[3] *See* Memorandum, ''Expedited Review of the Countervailing Duty Order on Certain Carbon and Alloy Steel Cut-to-Length Plate from the People's Republic of China: Allegation of Ministerial Error in the Final Results,'' dated concurrently and hereby adopted by this notice (Ministerial Error Memorandum).

[4] *See* Ministerial Error Memorandum.

producer/exporter under review to be as follows:

Company	Subsidy rate
Jiangsu Tiangong Tools Company Limited, Tiangong Aihe Company Limited, Jiangsu Tiangong Group Company Limited, Jiangsu Tiangong Mould Steel R&D Center Company Limited.	24.04 percent

Assessment Rates

Pursuant to section 19 CFR 351.214(k)(3)(iii), the amended final results of this expedited review will not be the basis for the assessment of countervailing duties. Upon the issuance of these final results, Commerce will instruct Customs and Border Protection (CBP) to collect cash deposits of estimated countervailing duties for the companies subject to this expedited review, at the rates shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this expedited review. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Orders

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

Disclosure

We intended to disclose the calculations performed for these amended final results to interested parties within five business days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

We are issuing and publishing these results in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: August 17, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–18195 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on September 12, 2018.

DATES: The meeting will be held Wednesday, September 12, 2018, from 2:00 p.m. to 6:00 p.m. Central Time.

ADDRESSES: The meeting will be held at the Kansas City Marriott Downtown in the 12th Street Meeting Room, at 200 W 12th St., Kansas City, MO 64105. Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Gendron, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–2785, email: *cheryl.gendron@nist.gov.*

SUPPLEMENTARY INFORMATION: The MEP Advisory Board is authorized under Section 3003(d) of the America COMPETES Act (Pub. L. 110–69), as amended by the American Innovation and Competitiveness Act, Public Law 114–329 sec. 501 (2017), and codified at 15 U.S.C. 278k(m), in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Hollings MEP Program (Program) is a unique program, consisting of Centers in all 50 states and Puerto Rico with partnerships at the state, federal, and local levels. By statute, the MEP Advisory Board provides the NIST Director with: (1) Advice on the activities, plans, and policies of the Program; (2) assessments of the soundness of the plans and strategies of the Program; and (3) assessments of current performance against the plans of the Program.

Background information on the MEP Advisory Board is available at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Wednesday, September 12, 2018, from 2:00 p.m. to 6:00 p.m. Central Time. The meeting agenda will include an update on Hollings MEP programmatic operations, as well as the opportunity for the MEP Advisory Board to provide guidance and advice on current activities related to the 2017–2022 MEP National Network Strategic Plan. The MEP Advisory Board will provide input to NIST on supply chain development with an emphasis on defense suppliers, in order to strengthen the defense industrial base, and will make recommendations on the development of research and performance metrics to support and enrich MEP Center evaluation. The MEP Advisory Board will also get updates on and discuss the Government Accountability Office (GAO) Cost Share Report. The final agenda will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the end of the meeting. Speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be no more than three to five minutes each. Requests must be received in writing by 5:00 p.m. Eastern Time on August 31, 2018 to be considered. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who wished to speak but could not be accommodated on the agenda, or those who are or were unable

to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, via fax at (301) 963–6556, or electronically by email to *cheryl.gendron@nist.gov.*

Admittance Instructions: Anyone wishing to attend the MEP Advisory Board meeting must submit their name, email address, and phone number to Cheryl Gendron (*Cheryl.Gendron@nist.gov* or 301–975–2785) no later than Friday, September 7, 2018, 5:00 p.m. Eastern Time.

Phillip A. Singerman,

Associate Director for Innovation and Industry Services.

[FR Doc. 2018–18207 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648—XG261

U.S. Purse Seine Fishery in the Western and Central Pacific Ocean; Notice of Intent To Prepare an Environmental Impact Statement

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

ACTION: Notice; intent to prepare an environmental impact statement; announcement of public scoping period; request for comments.

SUMMARY: NMFS is gathering information necessary to prepare an Environmental Impact Statement (EIS) for future management actions for the U.S. purse seine fishery in the western and central Pacific Ocean (WCPO). This notice of intent to prepare an EIS represents the beginning of the public scoping process and invites interested parties to provide comments on alternatives to be considered in an EIS and to identify potential issues, concerns, and any reasonable additional alternatives that should be considered.

DATES: To ensure consideration during the development of this EIS, written comments on the scope and alternatives to be considered in the EIS must be submitted no later than October 8, 2018.

Public comments will also be accepted during two webinars scheduled for 9:30–11:30 a.m. September 11, 2018 and 11:30 a.m.–1:30 p.m., September 14, 2018. Both webinars are scheduled in Hawai'i Standard Time (HST; UTC–10:00). Please notify David O'Brien (see **FOR FURTHER INFORMATION CONTACT**, below) by August 31, 2018, if you plan to attend either or both webinars. Instructions for connecting or calling in to the webinars will be emailed to meeting participants. Accommodations for persons with disabilities are available; accommodation requests should be directed to David O'Brien at least 10 working days prior to the webinar.

ADDRESSES: You may submit comments on the scope of this EIS by either of the following methods:

• *Electronic submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0062,*
2. Click the ''Comment Now!'' icon, complete the required fields, and
3. Enter or attach your comments.

—OR—

• *Mail:* Submit written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period might 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 and address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of this document can be obtained from Michael D. Tosatto, Regional Administrator, NMFS PIRO (see address above) and are available at *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0062.*

FOR FURTHER INFORMATION CONTACT: David O'Brien, NMFS PIRO, at *David.S.OBrien@noaa.gov,* or at (808) 725–5038.

SUPPLEMENTARY INFORMATION:

Background

Purse seine vessels flagged to the United States fish for skipjack tuna (*Katsuwonus pelamis*) and other tunas in the WCPO. The fishery developed in the 1970s and early 1980s as some U.S. tuna vessels moved west from fishing grounds in the eastern Pacific. The vessels participating in this fishery currently are large: Between 175 and 260 feet in length with crews of between 19 and 40. Purse seining is fishing by setting a vertically oriented net around a school of fish, and then closing, or ''pursing'', the bottom of the net to capture the fish. The vessels use purse seine nets up to about 6,500 feet long and 600 feet deep and in recent years (2013–2017) vessels set their nets, on average, once per fishing day.

NMFS manages the fishery in accordance with U.S. laws implementing international agreements, including the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America,[1] also known as the South Pacific Tuna Treaty (hereafter, Treaty), and conservation and management measures adopted by the Western and Central Pacific Fisheries Commission (hereafter, Commission or WCPFC). The fishery operates in the exclusive economic zones (EEZs) of the Pacific Island parties to the Treaty (hereafter, PIPs) and that of the United States, as well as on the high seas in the WCPO. This EIS will address all U.S. tuna purse seine fisheries within the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean; a map of which is available at the WCPFC website at: *www.wcpfc.int/doc/convention-area-map.*

The U.S. purse seine fleet is not the only fishing fleet active in this region. Other major flags of purse seine fishing vessels in the region include: Japan, Kiribati, Korea, Papua New Guinea, and Taiwan. The U.S. fleet's fishing activities accounted for approximately 14 percent of the total purse seine fishing effort—measured in fishing days—in the WCPO from 2010 through 2016.[2]

The regulations under which the U.S. fleet operates require changes in response to new decisions of the

[1] Parties to the Treaty include: Australia, Cook Islands, Federated States of Micronesia, Republic of Fiji, Republic of Kiribati, Republic of Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Independent State of Papua New Guinea, Independent State of Samoa, Solomon Islands, Kingdom of Tonga, Tuvalu, Republic of Vanuatu and the United States of America.

[2] Pacific Community—Oceanic Fisheries Programme. 2017. WCPFC14 Information Papers 05—Revision 1 (20 Nov 2017) Catch and Effort Tables on Tropical Tuna CMMs. Available at: *www.wcpfc.int/node/30076.*

Commission and new provisions of the Treaty, as well as changes in other laws. The Commission typically adopts new conservation and management measures relevant to this fishery annually. The PIPs and the United States agreed to amendments to the Treaty and its Annexes in 2016, along with a Memorandum of Understanding regarding their intent to provisionally apply some of the amendments pending completion of ratification and entry into force. Some provisions of the Treaty Annexes extend only through 2020 or 2022. NMFS promulgates regulations to implement the Commission's decisions (50 CFR part 300, subpart O) under authority of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*) and provisions of the Treaty (50 CFR part 300, subpart D) under authority of the South Pacific Tuna Act (16 U.S.C. 973–973r). In addition, NMFS may regulate the fishery to meet the requirements of the Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and other applicable laws.

Regulations may control fishing effort and/or catches, specify open and closed areas and/or the use and design of fishing gear, among others. Recent regulatory changes have focused on Commission decisions limiting total fishing effort and the number of sets associated with fish aggregating devices (FADs). The objectives of these decisions include reducing fishing mortality on bigeye tuna (*Thunnus obesus*), which are caught primarily when fishing on FADs, and controlling fishing mortality on yellowfin tuna (*Thunnus albacares*) and skipjack tuna.

The proposed action in this EIS is the continued authorization of the U.S. purse seine fishery in the WCPO. Analysis of this proposed action under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321, *et seq.*) involves examining likely future management of the fishery. Since management measures (including Commission decisions, Treaty provisions, and other applicable laws) can change substantially each year, a wide range of alternative regulatory approaches would be appropriate as action alternatives for consideration in this EIS.

Purpose and Need for the Proposed Action

The purpose of and need for the proposed action is the continued authorization of the U.S. purse seine fishery in the WCPO under existing and reasonably foreseeable future management measures.

Alternatives for Consideration

Both no-action and action alternatives have been drafted for consideration during the public scoping period. NMFS has not yet identified a preferred alternative or preferred alternatives. Briefly, these alternatives are:

No-Action Alternatives

No-action alternatives are used in NEPA documents to establish the baseline against which the environmental impacts of the action alternatives are assessed, and they are often thought of as either maintaining the status quo—or current management—or not proceeding with the proposed action. There would still be environmental consequences of not proceeding with the proposed action, and defining no-action alternatives allows for the explicit evaluation of these impacts on their own and in relation to action alternatives. NMFS is considering analyzing two separate no-action alternatives in this EIS: A no-action alternative under which there would be no U.S. purse seine fishery in the WCPO (a no-fishery alternative), as well as a no-action alterative under which fishing operations and management would continue as they have in recent years (the status quo alternative).

Specifics of these two draft no-action alternatives are:

- *No-action alternative A:* No fishery. No U.S. purse seine fishing in any portion of the WCPO, which includes the EEZs of the United States and other countries, as well as the high seas.
- *No-action alternative B:* Status quo. A fishery with regulatory conditions and fishing activity distributed across the EEZs of the United States and other countries and the high seas in proportions similar to that seen in recent years (2014–2017). Specifically, a fishery with approximately 7,000 fishing days of effort, 7,000 total net sets and 2,800 FAD sets (40 percent FAD sets).

Action Alternatives

Action alternatives are generally the management options proposed or considered when the NEPA process begins. The action alternatives are meant to describe potential alternative approaches to achieve the defined purpose and need of the proposed action. NMFS recommends analyzing two specific classes of action alternatives in the EIS:

1. Alternatives that control the type and amount of fishing, such as limits on fishing effort, catches, and fishing methods; and
2. Alternatives that control the allocation and use of fishing privileges amongst participants in the fishery.

We address these two classes of draft action alternatives separately here and describe how they would be addressed concurrently in the EIS.

Alternatives That Control the Type and Amount of Fishing

The controls on type and amount of fishing will be the primary drivers of environmental consequences of the fishery. The NMFS approach to developing action alternatives has been to review recent regulations, Treaty terms, and Commission decisions to understand the potential range of future management actions. There has been significant variability in management approaches in recent years, and both more and less restrictive regulatory changes have occurred.

Recent controls on the type and amount of fishing have focused on limits on fishing effort generally and restrictions on the use of FADs (*i.e.,* limits on a subset of fishing effort). For both fishing effort and FAD use, NFMS has drafted alternatives that cover a wide range of possible future management outcomes (Table 1). NMFS is suggesting this approach to extend the usefulness of the analysis in this EIS, as the environmental impacts of future management measures that are not specifically analyzed can be quickly estimated relative to those that are.

Fishing Effort Regulations

The annual fishing effort possible by the U.S. WCPO purse seine fleet is currently limited by the Treaty, which limits the number of license applications that may be forwarded to the Treaty Administrator to 40. Given the recent average of one net set per fishing day per vessel and imagining 40 vessels actively fishing about 80 percent of the time, a theoretical maximum annual effort level is approximately 12,000 fishing days (or 12,000 sets). Over the last 15 years, the highest annual fishing effort recorded by the fleet was 8,664 fishing days (2014). The maximum number of U.S. purse seine vessels fishing in any of the last 15 years has been 40 (2013 and 2014), but it has been as low as 15 vessels (2005) and is currently 33 (2018). For the purposes of evaluating potential future management actions in this EIS, U.S. purse seine effort levels up to 12,000 fishing days annually are plausible. Along with the two no-action alternatives, representing 0 and 7,000 fishing days of effort, respectively, NMFS is considering

analyzing three action alternatives with respect to limits on fishing effort: 5,000, 9,000, and 12,000 fishing days (Table 1).

The annual fishing effort associated with the action alternatives would be distributed across the U.S. EEZ, the high seas, and the EEZs of the PIPs. Since 2009, fishing effort in the U.S. EEZ and on the high seas in the WCPFC Convention Area has been limited in accordance with Commission decisions. The limits on the number of days of effort have, in the past, applied to the combined high seas and the U.S. EEZ (referred to in U.S. fisheries regulations as the Effort Limit Area for Purse Seine, or ELAPS). The combined U.S. EEZ and high seas limits dropped from 2,588 fishing days per year in 2009–2013 to 1,828 fishing days per year in 2014–2017. Future effort limits could apply to the U.S. EEZ and high seas areas separately. NMFS has recently implemented a limit of 458 fishing days in the U.S. EEZ—with the potential to increase to 558 fishing days if certain conditions are met—and 1,370 fishing days on the high seas for 2018 (see final rule implementing recent decisions of the WCPFC at 83 FR 33851, published July 18, 2018; hereafter ''2018 Final Rule'').

The number of fishing days available to the U.S. purse seine fleet in the EEZs of the PIPs is higher than the number of fishing days available in the U.S. EEZ or on the high seas. The Treaty specifies a set number of ''upfront'' days that are available each year for the U.S. fleet to fish in the EEZs of PIPs. The Treaty Annexes stipulate the maximum number of upfront days that are available to the U.S. fleet and the price per day. The Treaty also identifies that ''additional'' days can be purchased by the owners of U.S. vessels directly from individual PIPs. Any conditions put by the PIPs on the use of these additional days must be consistent with the Treaty terms, but no other specifications—such as price—are defined in the Treaty. Provisions allowing for additional fishing day purchases were adopted as part of the 2016 amendments to the Treaty, and 2017 was the first year that the option of purchasing additional days was available under the amended Treaty. The only limit to the number of additional days available to the U.S. purse seine fleet are limits internally agreed by the PIPs on the number of fishing days they will make available—which might be informed to some degree by the decisions of the WCPFC—and competition for their purchase by other international purse seine fleets.

Ultimately, the spatial distribution of fishing effort (*i.e.,* with respect to the U.S. EEZ, the high seas, and the PIPs' EEZs) will depend largely on the amount of effort that is available in each area each year. For each action alternative, NMFS would address the specifics of effort distribution within each alternative (Table 1) separately; and where necessary, NMFS would discuss the implications of variable effort distribution on impacts of that alternative to the human environment.

FAD Regulations

Fish aggregating devices, or FADs, are generally floating objects; they include natural objects as well as rafts deployed from purse seine vessels specifically to aggregate tuna. FADs tend to attract marine life, including tunas, and can be an effective method to increase tuna catch per unit of fishing effort. Purse seine sets on FADs tend to result in higher catches of targeted skipjack tuna than unassociated sets, but also increase the catch of bigeye tuna—most of which is relatively young—and young yellowfin tuna, as well as other marine life. Recent FAD regulations have included: Prohibitions on the times and/or locations that FADs can be deployed, serviced, or set on; limits on the annual number of FAD-directed purse seine sets; and a combination of both seasonal prohibitions and numerical limits. In addition, a recent Commission decision includes a limit of 350 FADs with activated instrumented buoys that each fishing vessel may have deployed at any given time (see 2018 Final Rule).

NMFS has implemented FAD-use prohibition periods for the U.S. purse seine fleet in the WCPFC Convention Area for 2009–2017 in line with Commission decisions. The prohibition periods were in August and September in 2009, July through September in 2010–2012, July through October in 2013 and 2014, and July through September in 2015–2017. There was also a complete prohibition on the use of FADs on the high seas for 2017. The 2018 Final Rule established FAD use prohibitions for a three-month period (July through September in 2018) and an additional FAD use prohibition period in high seas areas for two months (November and December 2018). In addition to FAD setting prohibitions, NMFS limited the total number of purse seine sets on FADs (''FAD sets'') to 2,522 per year in 2016 and 2017, in line with Commission decisions. The Commission did not establish FAD set limits for 2018.

Reasonably foreseeable future FAD measures for the fleet could include further FAD use prohibition periods and/or set limits as seen in recent years, as well as the potential for limitations for FAD design, restrictions for FAD construction materials and reductions in the number of FADs with activated instrumented buoys. Despite this broad range of potential FAD-related management measures, NMFS suggests that the total number of FAD sets—measured as the proportion of total sets made—could approximate the implications of any proposed future FAD management measure.

NMFS recommends evaluating four levels of FAD restrictions, ranging from a full prohibition on FAD sets to a higher proportion of FAD sets than seen in recent years, across each of the fishing effort-based alternatives (Table 1). The proportion of total sets that would occur on FADs across this range would be equal to 0, 20, 40 and 60 percent of the total number of sets made. FAD restrictions leading to 40 percent of total sets on FADs would be similar to the FAD restrictions experienced by the fleet over the last five years (average 38 percent of sets on FADs, 2013–2017) when a range of FAD management measures were in place. The 20 percent and 60 percent FAD set proportions bound the range of FAD set proportions for the fleet over during the last decade (min 27 percent, max 54 percent, 2008–2017). The full prohibition level (0 percent FAD sets) ensures the complete range of potential FAD restrictions will be analyzed in the EIS.

These proposed action alternatives, related to controls on the type and amount of fishing, are meant to capture the full range of foreseeable future management measures in the fishery. By combining a wide range of fishing effort levels and FAD restrictions into these proposed action alternatives (Table 1), the impact analysis should be relevant to a wide range of future management measures related to effort or FAD restrictions. NMFS interprets these fishing effort and FAD restrictions as proxies for other types of management measures, meaning the application of the impact analysis can be wider still. For example, fishing effort levels would be directly applicable to management measures specifying skipjack tuna or yellowfin tuna catch limits as well as a range of time and area closures. FAD restrictions—measured as proportion of sets on FADS—are proxies for bigeye tuna and yellowfin tuna catch limits, FAD design or material specification, and a range of FAD set closure times and/or locations. With this approach, nearly all foreseeable future management measures can be evaluated relative to the environmental impacts of these proposed action alternatives.

TABLE 1—THE AMOUNT OF FISHING EFFORT, IN FISHING DAYS, AND NUMBER OF FAD SETS UNDER PROPOSED ACTION AND NO-ACTION ALTERNATIVES THAT CONTROL THE TYPE AND AMOUNT OF FISHING TO BE ANALYZED IN AN ENVIRONMENTAL IMPACT STATEMENT FOR THE U.S. WCPO PURSE SEINE FISHERY

Alternative	Fishing effort (fishing days)	Number of FAD sets
No Action A	0	n/a
Action 1a	5,000	0
Action 1b	5,000	1,000
Action 1c	5,000	2,000
Action 1d	5,000	3,000
No Action B	7,000	2,800
Action 2a	9,000	0
Action 2b	9,000	1,800
Action2c	9,000	3,600
Action 2d	9,000	5,400
Action 3a	12,000	0
Action 3b	12,000	2,400
Action 3c	12,000	4,800
Action 3d	12,000	7,200

Control of Allocation and Use of Fishing Privileges

One of the most significant amendments to the Treaty in 2016 is the way that vessel owners obtain and pay for fishing privileges—fishing days—in the EEZs of the PIPs. As described previously, both upfront and additional days are available under the Treaty to U.S. purse seine vessels. The Treaty specifies requirements for the timing of notification of upfront fishing day commitments, transfers of upfront fishing days among vessel owners, and notifications of additional fishing day arrangements. In the first two years under the amended Treaty (2017 and 2018), vessel owners have collaborated to allocate the available upfront days amongst themselves, conduct in-season transfers of those days, and communicate both information on upfront and additional day arrangements to NMFS. NMFS has provided owners with updates on day usage as well as helped informally resolve issues that arise over fishing days between U.S. vessels owners and PIPs, based on data available to NMFS.

NMFS is proposing to evaluate alternative approaches for allocation, transfers and use tracking of fishing privileges under the Treaty. These alternatives would address the following considerations: (1) Timely provision of information to meet requirements and obligations of the United States under the Treaty, decisions of the Commission and other U.S. law; (2) addressing and resolving allocation disputes; (3) addressing vessels joining or leaving the fishery; (4) providing flexibility to fleet participants with respect to obtaining and using fishing days from PIPs; and (5) minimizing regulatory burden and cost.

NMFS is considering evaluation of three alternative allocation and use tracking approaches that would fulfill the requirements defined above. These approaches are action alternatives that would first be compared separately and then discussed relative to any differential impact they would have on the human environment when combined with the no-action and action alternatives in Table 1. Like the control of type and amount of fishing alternatives, these control of allocation and use alternatives are intended to bound the full range of possibilities for analysis; and proceed from the lowest to highest level of NMFS oversight. The three proposed alternatives are:

1. An industry-led allocation and use tracking method, where decisions related to allocation, transfers and tracking of available fishing privileges were made by an organization of fishery participants based on approaches they collectively specified;
2. A collaborative industry-NMFS approach where NMFS would facilitate industry decisions regarding allocation, transfer, and use through both regulatory and non-regulatory mechanisms; and
3. A specified allocation, transfer and use-tracking approach primarily under NMFS management and oversight.

Besides comments on these three proposed allocation and use alternatives, NMFS is specifically requesting comment on two additional aspects of these alternatives. The first concerns allocation and use of fishing privileges. Treaty and implementing agreements currently allow for assignment of vessel days at the U.S. vessel owner level. Tracking at the vessel owner level provides flexibility for those owners that have multiple vessels, but complicates the tracking of fishing day use as there are not vessel specific limits to monitor. NMFS seeks comment on the appropriate ''level'' for allocation and use tracking of fishing privileges in these proposed alternatives; be it the vessel, the vessel owner or some other level. Second, the numbers of U.S. EEZ and high seas fishing days available to the fleet in the WCPO have been limited since 2009 in accordance with decisions of the Commission. These limited fishing privileges have not previously been subject to allocation and are fished in an ''Olympic'' or ''derby'' style; meaning that they are available on a first-come, first-served basis to vessels that are permitted to fish in those areas. NMFS is also seeking comment on whether the proposed alternatives for control of allocation and use of fishing privileges should be extended from considering only privileges under Treaty to include fishing privileges in the U.S. EEZ and on the high seas in the WCPO—to the extent it is limited under WCPFC or other decisions.

NMFS recognizes that consultation and collaboration with U.S. purse seine vessel owners and operators on the approaches for allocation of effort in this fishery is needed, and sees this notice of intent to develop an EIS as an initial step in this process. The public comment received through this notice of intent and analysis of alternatives for allocation and use of fishing privileges in this EIS will inform future NMFS-industry discussions.

Summary

Given the wide range of potential future management approaches in this fishery, NMFS is proposing action alternatives that span the broad range of management measures foreseeable under U.S. regulations to implement the

Treaty, decisions of the Commission, and other U.S. law. In total, NMFS has tentatively identified two no-action alternatives, three action alternatives related to controls on the type and amount of fishing (Table 1), and three alternatives related to the allocation and use of fishing privileges. NMFS plans to analyze the environmental consequences of implementing each of the alternatives by assessing the direct, indirect, and cumulative effects of each to the human environment in the Western and Central Pacific Ocean.

By evaluating alternatives that span the full range of reasonably foreseeable future management measures, the environmental impacts of future management actions not explicitly analyzed could be estimated relative to those calculated in this EIS.

Authority: 42 U.S.C. 4321 *et seq.*

Dated: August 20, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–18194 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Islands Region Coral Reef Ecosystems Logbook and Reporting

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 22, 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 and instructions should be directed to Walter Ikehara, (808) 725–5175 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The National Marine Fisheries Service (NMFS) requires any U.S. citizen issued a Special Coral Reef Ecosystem Fishing Permit to complete logbooks and submit them to NMFS (50 CFR 665). The Special Coral Reef Ecosystem Fishing Permit is authorized under the Fishery Ecosystem Plans for American Samoa Archipelago, Hawaiian Archipelago, Mariana Archipelago, and Pacific Remote Island Areas. The information in the logbooks is used to obtain fish catch/fishing effort data on coral reef fishes and invertebrates harvested in designated low-use marine protected areas and on those listed in the regulations as potentially-harvested coral reef taxa in waters of the U.S. exclusive economic zone in the western Pacific region. These data are needed to determine the condition of the stocks, whether the current management measures are having the intended effects, and to evaluate the benefits and costs of changes in management measures. The logbook information includes interactions with protected species, including sea turtles, monk seals, and other marine mammals, which are used to monitor and respond to incidental takes of endangered and threatened marine species.

II. Method of Collection

Reports are submitted to NMFS in the form of paper logbook sheets and paper transshipment forms within 30 days of each landing of coral reef harvest. No electronic forms or web-based reporting is currently available. Notifications are submitted via telephone.

III. Data

OMB Control Number: 0648–0462.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations; individuals or households.

Estimated Number of Respondents: 5.

Estimated Time Per Response: Pre-trip and pre-landing notifications, 3 minutes; logbook reports, 30 minutes; transshipment reports, 15 minutes.

Estimated Total Annual Burden Hours: 18.

Estimated Total Annual Cost to Public: $100 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–18171 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Islands Region Coral Reef Ecosystems Permit Form

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 22, 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 and instructions should be directed to Walter Ikehara, (808) 725–5175 or *Walter.Ikehara@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The National Marine Fisheries Service (NMFS) requires, as codified under 50 CFR part 665, any person (1) fishing for, taking, retaining, or using a vessel to fish for Western Pacific coral reef ecosystem management unit species in the designated low-use Marine Protected Areas, (2) fishing for any of these species using gear not specifically allowed in the regulations, or (3) fishing for, taking, or retaining any Potentially Harvested Coral Reef Taxa in the coral reef ecosystem regulatory area, to obtain and carry a permit. A receiving vessel owner must also have a transshipment permit for at-sea transshipment of coral reef ecosystem management unit species. The permit application form provides basic information about the permit applicant, vessel, fishing gear and method, target species, projected fishing effort, *etc.,* for use by NMFS and the Western Pacific Fishery Management Council in determining eligibility for permit issuance. The information is important for understanding the nature of the fishery and provides a link to participants. It also aids in the enforcement of Fishery Ecosystem Plan measures.

II. Method of Collection

Information is submitted to NMFS, in the form of paper permit application forms.

III. Data

OMB Control Number: 0648–0463.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 12.

Estimated Time per Response: 2 hours per special permit application; 10 minutes per transhipment permit application.

Estimated Total Annual Burden Hours: 31.

Estimated Total Annual Cost to Public: $100 in recordkeeping/mailing costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 19, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–18170 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG375

Permanent Advisory Committee to Advise the U.S. Commissioners To the Western and Central Pacific Fisheries Commission; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a meeting of the Permanent Advisory Committee (PAC) to advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission (WCPFC) on October 11–12, 2018. Meeting topics are provided under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the PAC will be held on October 11, 2018, from 8 a.m. to 4 p.m. HST (or until business is concluded) and October 12, 2018, from 8 a.m. to 4 p.m. HST (or until business is concluded).

ADDRESSES: The meeting will be held at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Hawaii, 96815—in the Garden Lanai Meeting Room. Documents to be considered by the PAC will be made available at the meeting.

FOR FURTHER INFORMATION CONTACT: Emily Crigler, NMFS Pacific Islands Regional Office; telephone: 808–725–5036; facsimile: 808–725–5215; email: *emily.crigler@noaa.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*), a Permanent Advisory Committee, or PAC, has been convened to advise the U.S. Commissioners to the WCPFC, certain members of which have been appointed by the Secretary of Commerce in consultation with the U.S. Commissioners to the WCPFC. The PAC supports the work of the U.S. National Section to the WCPFC in an advisory capacity. The U.S. National Section is made up of the U.S. Commissioners and the Department of State. NMFS Pacific Islands Regional Office provides administrative and technical support to the PAC in cooperation with the Department of State. The WCPFC was established under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The next regular annual session of the WCPFC (WCPFC 15) is scheduled for December 10–December 14, 2018, in Honolulu, HI. More information on this meeting and the WCPFC can be found on the WCPFC website: *http://wcpfc.int/.*

Meeting Topics

The PAC meeting topics may include the following: (1) Outcomes of the 2017 Annual Meeting and 2018 sessions of the WCPFC Scientific Committee, Northern Committee, and Technical and Compliance Committee; (2) conservation and management measures for bigeye tuna, yellowfin tuna, skipjack tuna and other species for 2018 and beyond; (3) potential U.S. proposals to WCPFC15 (4) input and advice from the PAC on issues that may arise at WCPFC15; (5) potential proposals from other WCPFC members; and (6) other issues.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Emily Crigler at (808) 725–5036 by September 11, 2018.

Authority: 16 U.S.C. 6902.

Dated: August 20, 2018.

Margo B. Schulze-Haugen,

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

[FR Doc. 2018–18224 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG406

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (MAFMC) has cancelled its Surfclam and Ocean Quahog Advisory Panel (AP) meeting that was scheduled on Wednesday, September 5, 2018, from 10 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The initial notice for this public meeting published in the **Federal Register** on August 13, 2018 (83 FR 39988). The purpose of this meeting was for the Surfclam and Ocean Quahog AP to provide feedback on the Public Hearing Document for the Surfclam and Ocean Quahog Excessive Shares Amendment.

Dated: August 17, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–18136 Filed 8–22–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Record of Decision for the Proposal To Improve F–22 Operational Efficency at Joint Base Elmendorf-Richardson, Alaska

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: The United States Air Force signed the Record of Decision for the Proposal to Improve F–22 Operational Efficency at Joint Base Elmendorf-Richardson, Alaska on August 8, 2018.

ADDRESSES: For further information contact: Ms. Melissa Markell, AFCEC/CZN, 2261 Hughes Ave., Ste. 155, JBSA Lackland, TX 78236, ph: (210) 925–2728.

SUPPLEMENTARY INFORMATION: The Record of Decision reflects the Air Force decision to implement the Final Environmental Impact Statement Preferred Alternative, Alternative F, which consists of extending Runway 16/34 to the north. During the time that all prepatory actions, including funding, agency coordination, and construction are being implemented for Alternative F, the Air Force will implement Alternative A for more efficient flight operations.

The decision was based on matters discussed in the Proposal to Improve F–22 Operational Efficency at Joint Base Elmendorf-Richardson, Alaska, Final Environmental Impact Statement, contributions from the public and regulatory agencies, and other relevant factors. The Final Environmental Impact Statement was made available to the public on February 23, 2018 through a Notice of Availability published in the **Federal Register** (Volume 83, Number 37, page 8074) with a 30-day wait period that ended on March 25, 2018.

Authority: This Notice of Availability is published pursuant to the regulations (40 CFR part 1506.6) implementing the provisions of the National Environmental Policy Act of 1969 (42 U.S.C.. 4321 *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR parts 989.21(b) and 989.24(b)(7)).

Henry Williams,

Air Force Federal Register Liaison Officer.

[FR Doc. 2018–18274 Filed 8–22–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Support of Special Events

AGENCY: Under Secretary of Defense (Policy), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD capabilities may be used to provide support for special events if authorized by law and DoD policy. DoD resources in support of special events may be provided only after the resources of all other relevant governmental and non-governmental entities are determined not to be available, unless there is a statutory exception or the Department of Defense is the only source of specialized capabilities. Organizations eligible to request DoD support, including for special events, may request support by writing to the DoD Executive Secretary.

ADDRESSES: DoD Executive Secretary, 1000 Defense Pentagon, Washington, DC 20301–1000.

FOR FURTHER INFORMATION CONTACT: Carol Corbin at 571–256–8319.

SUPPLEMENTARY INFORMATION: Title 32 CFR part 183, Defense Support of Special Events, established procedures and assigned responsibilities for special events and set forth procedural guidance for the execution of special events support when requested by qualifying entities and approved by the appropriate DoD authority, or as directed by the President, within the United States. This notice informs the public of pertinent information concerning the submission of requests for special event support in lieu of part 183. DoD has determined that 32 CFR part 183 can be repealed as it mostly contains internal DoD procedures. The final rule that removes 32 CFR part 183 is publishing elsewhere in this issue of the **Federal Register**.

A special event is an international or domestic event, contest, activity, or meeting, which by its very nature, or by specific statutory or regulatory authority, may warrant security, safety, and other logistical support or assistance from DoD. Event status is not determined by DoD, and support may be requested by either civil authorities or qualifying entities.

A qualifying entity is a non-governmental organization to which DoD may provide assistance by virtue of statute. DoD support of qualifying entities for special events is pursuant to 10 U.S.C. 2012, 2553–2555, and 2564; 32 U.S.C. 508; and section 5802 of Public Law 104–208, as amended.

The Office of the Assistant Secretary of Defense for Homeland Defense and Global Security will consult with Heads of DoD Components to obtain senior-level coordination of recommendations for Secretary of Defense approval of requests for support.

The requestor of this support agrees to reimburse DoD, in accordance with the provisions of 10 U.S.C. 277, 2553–2555, and 2564, 31 U.S.C. 1535–1536, and other applicable provisions of law, unless DoD receives appropriations for or is authorized to make funds available for the support requested.

Dated: August 20, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–18227 Filed 8–22–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Duchak Ventures, LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Duchak Ventures, LLC, a revocable, nonassignable, exclusive license to practice in the field of use of respirator systems and safety applications; the field of use of filtering media within a respirator cartridge or respirator system and meant for human wear; and the field of use of air filter media for safety and hygiene applications in public, residential, industrial, and commercial facilities and structures, in the United States, the Government-owned invention described in U.S. Patent No. 7,749,438: Fluorophore Embedded/Incorporating/Bridged Periodic Mesoporous Organosilicas as Recognition Elements for Optical Sensors, Navy Case No. 097,345.//U.S. Patent No. 7,754,145: Fluorphore Embedded/Incorporating/Bridged Periodic Mesoporous Organosilicas as Recognition Photo-Decontamination Catalysts, Navy Case No. 097,346.//and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than September 7, 2018.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky McKinney, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320, telephone 202–767–1644. Due to U.S. Postal delays, please fax 202–404–7920, email: *techtran@nrl.navy.mil* or use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: August 20, 2018.

James Edward Mosimann III,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2018–18210 Filed 8–22–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Procedures for Conducting Electric Transmission Congestion Studies

AGENCY: Office of Electricity, Department of Energy (DOE).

ACTION: Notice of procedures for studies and request for written comments.

SUMMARY: The Federal Power Act (FPA) requires the Department of Energy (Department or DOE) to complete a study, in consultation with affected states, of electric transmission congestion every three years. DOE has issued three previous congestion studies, in August 2006, December 2009, and September 2015. The forthcoming Congestion Study will be of a similar scope.

DOE expects to release its next triennial study in 2019 for a 45-day comment period. After reviewing and considering the comments received, DOE will publish a report concerning whether it will propose any National Corridors on the basis of the study. Interested persons may submit comments in response to this notice in the manner indicated in the **ADDRESSES** section.

DATES: Comments in response to this notice are due by October 9, 2018. DOE recognizes that some commenters may wish to draw upon or point to studies or analyses that are now in process and may not be completed. DOE requests that commenters submit such materials as they become available. However, materials submitted after December 31, 2018, will not be included in the study.

ADDRESSES: You may submit written comments to *http://energy.gov/oe/congestion-study,* or by mail to the Office of Electricity, OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). The Department intends to use only data that is publicly available for this study. Accordingly, please do not submit information that you believe is or should be protected from public disclosure. DOE is responsible for the final determination concerning disclosure or nondisclosure of information submitted to DOE and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11). All comments received by DOE regarding the congestion study will be posted on *http://energy.gov/oe/congestion-study* for public review.

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE therefore encourages those wishing to comment to submit their comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD containing electronic files of the submission.

FOR FURTHER INFORMATION CONTACT: David Meyer, DOE Office of Electricity, (202) 586–1411, *david.meyer@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Transmission Congestion Study

The Energy Policy Act of 2005 (Pub. L. 109–58) (EPAct) added several new provisions to the Federal Power Act (16 U.S.C. 791a *et seq.*) (FPA), including FPA section 216, 16 U.S.C. 824p. FPA section 216(a)(1) requires the Secretary of Energy to conduct a study of electric transmission congestion within one year from the date of enactment of EPAct and every three years thereafter. The 2006, 2009, and 2015 Congestion Studies reviewed congestion nationwide except for the portion of Texas covered by the Electricity Reliability Council of Texas, to which FPA section 216 does not apply. FPA section 216(a) requires that the congestion study be conducted in consultation with affected states. Also, in exercising its responsibilities under section 216, DOE is required to consult regularly with the Federal Energy Regulatory Commission (FERC), any appropriate regional entity referred to in FPA section 215, *i.e.,* the regional electric reliability organizations,[1] and Transmission Organizations approved by FERC.

Transmission congestion occurs when a constraint within an area's transmission network prevents the network from accommodating all transactions desired at a given time by authorized users. The most common form of transmission congestion is economic congestion. This occurs when the transmission system's capacity is sufficient to enable compliance with NERC reliability standards, but is not able to allow purchasers of wholesale power to obtain supplies from the least-cost sellers at all times. The premium involved may or may not be sufficiently large or persistent to justify investment in additional transmission capacity.

[1] The regional reliability organizations are currently the Florida Reliability Coordinating Council, the Midwest Reliability Organization, the Northeast Power Coordinating Council, ReliabilityFirst Corporation, SERC Reliability Corporation, the Texas Reliability Entity (TRE), and the Western Electricity Coordinating Council. *See https://www.nerc.com/pa/comp/Pages/Regional-Programs.aspx.*

In more severe situations, congestion may have both economic and reliability components—that is, if an area's electricity demand essentially outgrows its transmission network, in addition to forcing wholesale buyers to turn to higher-priced sellers, the system may no longer be able to meet NERC reliability standards under one or more contingencies.

A third form of congestion occurs when the transmission network is not sufficient to enable achievement of established federal, state, or local public policy goals. For example, state-imposed renewable portfolio standards may lead to demands for transmission service that exceed the capacity currently available. At the federal level, requirements designed to ensure system resilience and security under extreme stress (*e.g.,* natural disasters or cyber/physical attacks) could create a demand for additional transmission capacity in specific locations.

The Department is initiating its next triennial congestion study, and seeks comments on what publicly-available data and information should be considered, and what types of analysis should be performed to identify and understand the significance and character of transmission congestion. Note: The Department now publishes an *Annual U.S. Transmission Data Review,* now entering its fourth year; it seeks comments about any additional publicly-available data and information that is not already contained in the annual data reviews published in 2015, *https://www.energy.gov/sites/prod/files/2015/08/f26/Transmission%20Data%20Review%20August%202015.pdf;* 2016, *https://www.energy.gov/sites/prod/files/2017/04/f34/Annual%20US%20Transmission%20Data%20Review%202016_0.pdf;* and 2018, *https://www.energy.gov/sites/prod/files/2018/03/f49/2018%20Transmission%20Data%20Review%20FINAL.pdf.*

In preparing the 2009 and 2015 Congestion Studies, the Department gathered historical congestion data obtained from existing studies prepared by regional reliability councils, regional transmission organizations (RTOs) and independent system operators (ISOs), and regional planning groups. The forthcoming study will draw upon many of the same kinds of data, analyses, and information as the earlier studies. These sources may include, but would not be limited to:

a. Electricity market analyses, including locational marginal price patterns;

b. Reliability analyses and actions, including transmission loading relief actions;

c. Historic energy flows;

d. Current and projected electric supply and generation plans;

e. Recent, current, and planned transmission and interconnection queues;

f. Results of any ''stress test'' analysis of a transmission system based on threat and resilience modeling and any contingency modeling incorporating or accounting for interdependencies throughout energy systems;

g. Current and forecast electricity loads, including energy efficiency, distributed generation, and demand response plans and policies;

h. The location of renewable resources and state and regional policies with respect to renewable development;

i. Projected impacts of current or pending environmental regulation on generation availability;

j. Effects of recent or projected economic conditions on demand and congestion; and

k. Filings or regional transmission expansion plans developed in compliance with FERC Orders No. 890 and 1000.

National Interest Electric Transmission Corridor Designation

FPA section 216(a)(2) authorizes the Secretary of Energy to designate ''any geographic area experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers as a national interest electric transmission corridor'' (National Corridor) after completion of a congestion study, and consideration of alternatives and recommendations of interested parties and other public comments. Prior to making a separate federal decision about any proposed designation of a National Corridor, DOE will consider environmental impacts of such a designation, as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Designation of an area as a National Corridor would enable the Federal Energy Regulatory Commission to exercise jurisdiction over the siting of transmission facilities in the National Corridor, if it found that certain preconditions (listed in FPA section 216(b)) have been met.

Some commenters on DOE's previous congestion studies suggested that in some circumstances it might be informative for DOE to publish a transmission congestion study focused on specific transmission project(s), and if appropriate, designate a National Corridor tailored to the project(s). DOE agrees, but notes that the need for such studies or corridors might not mesh well (in terms of both timing and appropriate granularity) with the triennial large-geographic-scale congestion studies envisioned in FPA section 216(a)(1). For this reason, DOE will continue to produce the triennial studies required by the statute, and would also respond, perhaps separately, to requests for the preparation of project-specific congestion studies or the designation of related National Corridors.

A party seeking the designation of a project-specific National Corridor should submit the following to DOE:

a. Data or studies confirming the existence in a specific geographic area of transmission constraints or congestion adversely affecting consumers;

b. Data or studies confirming that proposed transmission project(s) would ease the congestion and its adverse impacts on consumers;

c. Information showing how a National Corridor should be bounded in order to be relevant to the proposed transmission project(s); and

d. Information showing why it would be in the national interest for the Department to intervene in a subject area that is normally subject to state jurisdiction.

Signed in Washington, DC, on August 16, 2018.

Bruce J. Walker,

Assistant Secretary, Office of Electricity, U.S. Department of Energy.

[FR Doc. 2018–18229 Filed 8–22–18; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9982–15–OP]

Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of charter renewal.

Notice is hereby given that the Environmental Protection Agency (EPA) has determined that, in accordance with the provisions of the Federal Advisory Committee Act (FACA), the National Environmental Justice Advisory Council (NEJAC) is necessary and in the public interest in connection with the performance of duties imposed on the agency by law. Accordingly, NEJAC will be renewed for an additional two-year period. The purpose of the NEJAC is to provide advice and recommendations to the Administrator about issues associated with integrating environmental justice concerns into EPA's outreach activities, public policies, science, regulatory, enforcement, and compliance decisions.

Inquiries may be directed to Matthew Tejada, NEJAC Designated Federal Officer, U.S. EPA, 1200 Pennsylvania Avenue NW (Mail Code 2202A), Washington, DC 20460, 202–564–8047, *Tejada.Matthew@epa.gov.*

Dated: August 7, 2018.

Brittany Bolen,

Associate Administrator, Office of Policy.

[FR Doc. 2018–18275 Filed 8–22–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 18–227; DA 18–761]

Media Bureau Seeks Comment on the Status of Competition in the Marketplace for Delivery of Audio Programming

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: This document seeks input on the state of competition in the marketplace for the delivery of audio programming as it would relate to the overall goal of providing the *Communications Marketplace Report* to Congress as required by the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Title IV of the RAY BAUM'S Act of 2018 requires that the Commission publish a *Communications Marketplace Report* in the last quarter of every even numbered year.

DATES: Comments are due on or before September 24, 2018. Reply comments are due on or before October 9, 2018.

ADDRESSES: Interested parties may submit and reply comments, identified by MB Docket No. 18–227, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's website: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jake Riehm of the Media Bureau, Industry Analysis Division, (202) 418–2166.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice, DA 18–761, released on July 23, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *https://www.fcc.gov/document/media-bureau-seeks-comment-audio-competition.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, which is located in Room CY–A257 at FCC Headquarters, 445 12th Street SW, Washington, DC 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 a.m. to 4:30 p.m. and Friday from 8:00 a.m. to 11:30 a.m. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW, Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *FCC504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. On March 23, 2018, the President signed into law the Consolidated Appropriations Act of 2018, which included the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018 (RAY BAUM'S Act of 2018). Title IV of RAY BAUM'S Act of 2018 amends Section 13 of the Communications Act (the Act) of 1934, and requires that the Commission publish a *Communications Marketplace Report* in the last quarter of every even numbered year. Among other things, the biennial *Communications Marketplace Report* requires that the Commission assess the state of competition in the communications marketplace, including competition to deliver audio service among broadcast stations, satellite radio, and entities that provide audio content via the internet and to mobile devices. Accordingly, this *Public Notice* seeks input on the state of competition in the marketplace for the delivery of audio programming as it would relate to the overall goal of providing the required *Communications Marketplace Report* to Congress.

2. This *Public Notice* requests comment on the criteria or metrics that could be used to evaluate the state of competition in the audio programming marketplace, as well as comment and information on industry data, competitive dynamics, and trending factors. For example, commenters are invited to submit the following data and information related to participants in the marketplace for the delivery of audio programming, including, but not limited to, terrestrial radio broadcasters (*i.e.,* AM and FM radio stations), satellite radio providers, and entities that provide audio programming over the internet and to mobile devices (collectively, Audio Marketplace Participants):

- Identification and ownership of key Audio Marketplace Participants, as well as the business models and competitive strategies they use;
- trends in service offerings, pricing, and consumer behavior;
- the extent of competition among Audio Marketplace Participants, including intramodal competition (*i.e.,* competition among providers of the same type, such as terrestrial radio broadcast stations) and intermodal competition (*i.e.,* competition among providers of different types, such as terrestrial radio broadcast stations and satellite radio providers);
- ratings, subscribership, and revenue information, for the marketplace as a whole and for individual Audio Marketplace Participants;
- capital investment, innovation, and the deployment of advanced technology;
- requirements for entry into the marketplace; and
- recent entry into and exit from the marketplace.

It is requested that commenters submit information, data, and statistics for 2016 and 2017, as well as information on any notable trends and developments that have occurred during 2018 to date. Industry stakeholders, the public, and other interested parties are encouraged to submit information, comments, and analyses. In order to facilitate analysis of competitive trends, parties should submit current and historic data that are comparable over time. Commenters seeking confidential treatment of their submissions should request that their submission, or a

specific part thereof, be withheld from public inspection.

3. In addition, this *document* requests comment on whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the marketplace for the delivery of audio programming or to the competitive expansion of existing providers. Further, this *document* seeks input concerning the extent to which any such laws, regulations or marketplace practices affect entry barriers for entrepreneurs and other small businesses in the marketplace for the delivery of audio programming.

Procedural Matters

4. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before the dates indicated on the first page of this document. All filings should refer to MB Docket No. 18–227. Comments may be filed: (1) Using the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

5. Comments and reply comments filed in response to this *document* will be available for public inspection and copying in the Commission's Reference Center, Room CY–A257, 445 12th Street SW, Washington, DC 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT Docket No. 18–203.

6. Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

7. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

- All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (except U.S. Postal Service mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- All other mail, including U.S. Postal Service Express Mail, Priority Mail, and First Class Mail should be addressed to 445 12th Street SW, Washington, DC 20554.

8. Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY), or send an email to *fcc504@fcc.gov*.

Federal Communications Commission.

Thomas Horan,

Chief of Staff.

[FR Doc. 2018–18191 Filed 8–22–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, August 28, 2018 at 11:00 a.m.

PLACE: 1050 First Street NE, Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–18395 Filed 8–21–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

[Petition No. P1–18]

Petition of Cosco Shipping Lines Co., Ltd., Cosco Shipping Lines (Europe) Gmbh, Orient Overseas Container Line Limited, and OOCL (Europe) Limited for an Exemption From Agreement Filing; Notice of Filing and Request for Comments

Notice is hereby given that COSCO Shipping Lines Co., Ltd. (''COSCO''), COSCO Shipping Lines (Europe) GMBH, Orient Overseas Container Line Limited, and OOCL (Europe) Limited (''Petitioners''), have petitioned the Commission pursuant to 46 U.S.C. 40103(a), 46 CFR 502.92, and 46 CFR 535.301, ''. . . for an exemption from the Shipping Act that would extend the P2–17 Order to COSCO (Europe)'' and ''would permit [Petitioners] to enter into agreements . . . without filing an agreement and waiting for it to become effective.'' The Petitioners state that when the Commission granted the Petition of COSCO, Orient Overseas Container Line Limited and OOCL (Europe) Limited (collectively ''OOCL'') to an exemption from Agreement Filing on August 8, 2018 in the P2–17 proceeding that the ''. . . wholly-owned subsidiary of COSCO known as COSCO Shipping Lines (Europe) Gmbh (FMC Org. No. 025509) . . . had not yet commenced operating as a vessel-operating common carrier in the U.S. foreign trades.''

In order for the Commission to make a thorough evaluation of the exemption requested in the Petition, pursuant to 46 CFR 502.92, interested parties are requested to submit views or arguments in reply to the Petition no later than September 6, 2018. Replies shall be sent to the Secretary by email to *Secretary@fmc.gov* or by mail to Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573–0001, and replies shall be served on Petitioners' counsels, Robert B. Yoshitomi, Nixon Peabody LLP, 300 South Grand Avenue, Suite 4100, Los Angeles, CA 90071–3151, *ryoshitomi@nixonpeabody.com,* and Eric C. Jeffrey, 799 9th Street NW, Suite 500, Washington, DC 20001–5327, *ejeffrey@nixonpeabody.com.*

Non-confidential filings may be submitted in hard copy to the Secretary at the above address or by email as a PDF attachment to *Secretary@fmc.gov* and include in the subject line: P1–18 (Commenter/Company). Confidential filings should not be filed by email. A confidential filing must be filed with the Secretary in hard copy only, and be accompanied by a transmittal letter that identifies the filing as ''Confidential-Restricted'' and describes the nature and extent of the confidential treatment requested. The Commission will provide confidential treatment to the extent allowed by law for confidential submissions, or parts of submissions, for which confidentiality has been requested. When a confidential filing is submitted, there must also be submitted a public version of the filing. Such public filing version shall exclude confidential materials, and shall indicate on the cover page and on each affected page ''Confidential materials excluded.'' Public versions of confidential filings may be submitted by email. The Petition will be posted on

the Commission's website at *http://www.fmc.gov/P1-18.* Replies filed in response to the Petition will also be posted on the Commission's website at this location.

Rachel Dickon,

Secretary.

[FR Doc. 2018–18244 Filed 8–22–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K) (FR 2064; OMB No. 7100–0109).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC, 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following information collection:

Report title: Recordkeeping Requirements Associated with Changes in Foreign Investments (Made Pursuant to Regulation K).

Agency form number: FR 2064.

OMB control number: 7100–0109.

Frequency: On occasion.

Respondents: Internationally active U.S banking organizations (member banks, Edge Act and agreement corporations, and bank holding companies).

Estimated number of respondents: 20.

Estimated average hours per response: 2.

Estimated annual burden hours: 160.

General description of report: Internationally active U.S. banking organizations are required to maintain adequate internal records to demonstrate compliance with the investment provisions contained in Subpart A of Regulation K (12 CFR part 211).

Legal authorization and confidentiality: This collection of information is authorized pursuant to section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)); sections 25 and 25A of the Federal Reserve Act (12 U.S.C. 602 and 625). The recordkeeping requirements are mandatory. Because the Federal Reserve does not collect these records, an issue of confidentiality under the Freedom of Information Act (FOIA) is unlikely to arise. FOIA, however, may be implicated if the Federal Reserve's examiners retain a copy of the records in their examination or supervision of the institution. Any such records would be exempt from disclosure pursuant to exemption 8 of FOIA (5 U.S.C. 552(b)(b)(8)). Exemption 4 to FOIA, which protects confidential financial information, may also be applicable. (5 U.S.C. 552(b)(4)).

Current actions: On May 22, 2018, the Board published a notice in the **Federal Register** (83 FR 23682) requesting public comment for 60 days on the extension, without revision, of the FR 2064. The comment period for this notice expired on July 23, 2018. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, August 20, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–18254 Filed 8–22–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Agenda; Board Meeting; August 27, 2018, 10:00 a.m. (Telephonic)

Open Session

1. Approval of the Minutes for the July 24, 2018 Board Meeting
2. Monthly Reports
   (a) Participant Activity
   (b) Investment Performance
   (c) Legislative Report
3. Quarterly Reports
   (d) Metrics
4. 2018–2019 Board Meeting Calendar Review

Closed Session

Information covered under 5 U.S.C. 552b(c)(9)(B) and (c)(10).

Contact Person for More Information: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: August 17, 2018.

Dharmesh Vashee,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2018–18138 Filed 8–22–18; 8:45 am]

BILLING CODE 6760–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0149; Docket No. 2018–0003; Sequence No. 16]

Information Collection; Subcontract Consent and Contractors' Purchasing System Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the FAR Council invites the public to comment upon a renewal concerning consent to subcontract, advance notification, and Contractors' purchasing system review.

DATES: Submit comments on or before October 22, 2018.

ADDRESSES: The FAR Council invites interested persons to submit comments on this collection by either of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type

short comments directly into the comment field or attach a file for lengthier comments. Go to *http://www.regulations.gov* and follow the instructions on the site.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0149, Subcontract Consent and Contractors' Purchasing System Review.

Instructions: All items submitted must cite Information Collection 9000–0149, Subcontract Consent and Contractors' Purchasing System Review. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, at *http://www.regulations.gov.*

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail). This information collection is pending at the FAR Council. The Council will submit it to OMB within 60 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Overview of Information Collection

Description of the Information Collection

1. *Type of Information Collection:* Revision/Renewal of a currently approved collection.

2. *Title of the Collection:* Subcontract Consent and Contractors' Purchasing System Review.

3. *Agency Form Number, If Any:* N/A.

Solicitation of Public Comment

Written comments and suggestions from the public should address one or more of the following four points:

(1) Evaluate 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) 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.

B. Purpose

This information collection requirement, OMB Control No. 9000–0149, currently titled ''Subcontract Consent,'' is proposed to be retitled ''Subcontract Consent and Contractors' Purchasing System Review,'' due to consolidation with currently approved information collection requirement OMB Control No. 9000–0132, Contractors' Purchasing System Review.

This clearance covers the information that a contractor must submit to comply with the requirements in Federal Acquisition Regulation (FAR) 52.244–2, Subcontracts, regarding consent to subcontract, advance notification, and Contractors' purchasing system review as follows:

1. *Consent to subcontract.* This is the contracting officer's written consent for the prime contractor to enter into a particular subcontract. In order for the contracting officer responsible for consent to make an informed decision, the prime contractor must submit adequate information to ensure that the proposed subcontract is appropriate for the risks involved and consistent with current policy and sound business judgment. The review allows the Government to determine whether the contractor's purchasing policies and practices are efficient and adequately protect the Government's interests.

If the contractor has an approved purchasing system, consent is required for subcontracts specifically identified by the contracting officer in the subcontracts clause of the contract. The contracting officer may require consent to subcontract if the contracting officer has determined that an individual consent action is required to protect the Government adequately because of the subcontract type, complexity, or value, or because the subcontract needs special surveillance. These can be subcontracts for critical systems, subsystems, components, or services.

If the contractor does not have an approved purchasing system, consent to subcontract is required for cost-reimbursement, time-and-materials, labor-hour, or letter contracts, and also for unpriced actions under fixed-price contracts that exceed the simplified acquisition threshold.

2. *Advance notification.* Prime contractors must provide contracting officers notification before the award of any cost-plus-fixed-fee subcontract, or certain fixed-price subcontracts. This requirement for advance notification is driven by statutory requirements in 10 U.S.C. 2306 and 41 U.S.C. 3905.

3. *Contractors' Purchasing System Review.* The objective of a contractor purchasing system review (CPSR), is to evaluate the efficiency and effectiveness with which a contractor spends Government funds and complies with Government policy when subcontracting.

Paragraph (i) of FAR clause 52.244–2 specifies that the Government reserves the right to review the contractor's purchasing system as set forth in FAR subpart 44.3. FAR 44.302 requires the administrative contracting officer (ACO) to determine the need for a CPSR based on, but not limited to, the past performance of the contractor, and the volume, complexity and dollar value of subcontracts. If a contractor's sales to the Government (excluding competitively awarded firm-fixed-price and competitively awarded fixed-price with economic price adjustment contracts and sales of commercial items pursuant to Part 12) are expected to exceed $25 million during the next 12 months, the ACO will perform a review to determine if a CPSR is needed. Sales include those represented by prime contracts, subcontracts under Government prime contracts, and modifications. Generally, a CPSR is not performed for a specific contract. The head of the agency responsible for contract administration may raise or lower the $25 million review level if it is considered to be in the Government's best interest. Once an initial determination has been made to conduct a review, at least every three years the ACO shall determine whether a purchasing system review is necessary. If necessary, the cognizant contract administration office will conduct a purchasing system review.

A CPSR provides the administrative contracting officer (ACO) a basis for granting, withholding, or withdrawing approval of a contractor's purchasing system. An approved purchasing system allows the contractor more autonomy in subcontracting actions. Without an approved purchasing system more Government oversight is necessary, and Government consent to subcontract is required. Generally, a CPSR is not performed for a specific contract. Rather, CPSRs are conducted on contractors based on the factors

identified above. For example, the Defense Contract Management Agency (DCMA) Contractor Purchasing System Review Group is a group dedicated to conducting CPSRs for the Department of Defense. As of June 2014 the group's review workload included more than 700 contractors worldwide.

The cognizant ACO is responsible for granting, withholding, or withdrawing approval of a contractor's purchasing system and for promptly notifying the contractor of same (FAR 44.305–1).

Related administrative requirements are as follows: FAR 44.305–2(c) requires that when recommendations are made for improvement of an approved system, the contractor shall be requested to reply within 15 days with a position regarding the recommendations. FAR 44.305–3(b) requires when approval of the contractor's purchasing system is withheld or withdrawn, the ACO shall within 10 days after completing the in-plant review (1) inform the contractor in writing, (2) specify the deficiencies that must be corrected to qualify the system for approval, and (3) request the contractor to furnish within 15 days a plan for accomplishing the necessary actions. If the plan is accepted, the ACO shall make a follow-up review as soon as the contractor notifies the ACO that the deficiencies have been corrected.

C. Annual Reporting Burden

1. Consent to Subcontract

Respondents: 2,578.
Responses per Respondent: 3.
Total Annual Responses: 7,734.
Hours per Response: 3.
Total Burden Hours: 23,202.

2. Advance Notification

Respondents: 1,861.
Responses per Respondent: 3.
Total Annual Responses: 5,583.
Hours per Response: 0.25.
Total Burden Hours: 1,396.

3. Contractors' Purchasing System Review

Respondents: 1,050.
Responses per Respondent: 1.
Total Annual Responses: 1,050.
Hours per Response: 25.
Total Burden Hours: 26,250.

4. Summary

Respondents: 5,489.
Total Annual Responses: 14,367.
Total Burden Hours: 50,848.
Affected Public: Businesses or other for-profit and not-for-profit institutions.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0149, Subcontract Consent and Contractors' Purchasing System Review, in all correspondence.

Dated: August 20, 2018.

William Clark,

Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–18280 Filed 8–22–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee (MSHRAC), Metal Mining Automation and Advanced Technologies (MMAAT) Workgroup

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Mine Safety and Health Research Advisory Committee (MSHRAC), Metal Mining Automation and Advanced Technologies (MMAAT) Workgroup. This meeting is open to the public, limited only by the space available. The public is welcome to submit written comments in advance of the meeting to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting.

DATES: The meeting will be held on September 10, 2018, 8:00 a.m. to 4:00 p.m. MDT; and September 11, 2018, 8:00 a.m. to 12:00 noon MDT.

ADDRESSES: University of Colorado, Anschutz Medical Campus, 13001 E 17th Place, Aurora, CO 80045. On September 10, the meeting will be held in the Krugman Conference Hall, and on September 11 in the Education 2 South Auditorium, both on that campus.

FOR FURTHER INFORMATION CONTACT: Todd Ruff, MMAAT Workgroup Designated Federal Officer, NIOSH, CDC, 315 E Montgomery Avenue, Spokane, Washington 99207, Telephone (509) 354–8003; Email *ter5@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: This meeting will focus on emerging health and safety issues associated with the implementation of automation and advanced technology in the U.S. metal mining industry. The meeting is designed to identify to what extent automation and smart technologies will be implemented in metal mining and in what timeframe; to identify the related emerging health & safety concern;, and to identify what gaps exist in occupational health & safety research related to automation and smart technologies.

Matters to be Considered: The agenda will include updates on the state-of-the-art in mining automation and case studies on implementing automation at mine sites. The updates will be followed by panel discussions regarding: (1) Human factors considerations, (2) risk management, (3) automated haulage, (4) sensor technology, and (5) data analytics. Each panel will seek input and discuss the health and safety implications associated with these various topics, and identify gaps for further study. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Sherri A. Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–18185 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2018–0028; Docket Number NIOSH–310]

Final National Occupational Research Agenda for Wholesale and Retail Trade

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: NIOSH announces the availability of the final *National Occupational Research Agenda for Wholesale and Retail Trade.*

DATES: The final document was published August 17, 2018 on the CDC website.

ADDRESSES: The document may be obtained at the following link: *https://*

www.cdc.gov/niosh/nora/councils/wrt/agenda.html.

FOR FURTHER INFORMATION CONTACT: Emily Novicki, M.A., M.P.H, (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE, Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: On April 24, 2018, NIOSH published a request for public review in the **Federal Register** [83 FR 17283] of the draft version of the *National Occupational Research Agenda for Wholesale and Retail Trade.* No comments were received.

Dated: August 20, 2018.

Frank J. Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–18168 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Breast Cancer in Young Women (ACBCYW); Cancellation of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee on Breast Cancer in Young Women (ACBCYW); August 6, 2018, 1:00 p.m. to 5:00 p.m., Eastern.

The teleconference which was published in the **Federal Register** on June 18, 2018, Volume 83, Number 117, pages 28231–28232.

This meeting is being canceled in its entirety.

For Further Information Contact: Temeika L. Fairley, Ph.D., Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Hwy. NE, Mailstop K52, Atlanta, Georgia 30341, Telephone (770) 488–4518, Fax (770) 488–4760. Email: *acbcyw@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–18186 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–FY–2018; Docket No. CDC–2018–0063]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''HIV prevention among Latina transgender women: Evaluation of a locally developed intervention''. The collection is part of a research study designed to evaluate the efficacy of a locally developed and culturally congruent two-session Spanish-language small-group intervention, ChiCAS (Chicas Creando Acceso a la Salud [Chicas: Girls Creating Access to Health]), which provides combination HIV prevention services to adult Hispanic/Latina transgender women at high risk for HIV infection.

DATES: CDC must receive written comments on or before October 22, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0063 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

HIV prevention among Latina transgender women: Evaluation of a

locally developed intervention—New—National Center for HIV/AIDS, Viral Hepatitis, STED, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC)

Background and Brief Description

The National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention is requesting approval for 20-months of data collection entitled, ''HIV prevention among Latina transgender women: Evaluation of a locally developed intervention.'' The goal of this study is to evaluate the efficacy of ChiCAS (Chicas Creando Acceso a la Salud [Chicas: Girls Creating Access to Health]), a locally developed and culturally congruent two-session Spanish-language small-group combination intervention designed to promote consistent condom use, and access to and participation in pre-exposure prophylaxis (PrEP) and medically supervised hormone therapy by HIV seronegative Hispanic/Latina transgender women who have sex with men.

The information collected through this study will be used to evaluate whether the ChiCAS intervention is an effective HIV-prevention strategy by assessing whether exposure to the intervention results in improvements in participants' health and HIV prevention behaviors. The study will compare pre-(baseline) and post-intervention (six-month) levels of HIV risk among participants who have received the intervention and participants who have not yet received the intervention (delayed-intervention group).

This study will be carried out in five metropolitan areas in North Carolina: Ashville, NC; Charlotte, NC; Research Triangle (metropolitan area of Greensboro, Winston-Salem and High Point NC); Raleigh, NC; and Wilmington, NC. The study population will include 140 HIV-negative Spanish-speaking transgender women. Participants will be adults, at least 18 years of age, self-identify as male-to-female transgender or report having been born male and identifying as female, and report having sex with at least one man in the past six months.

We anticipate participants will be comprised mainly of racial/ethnic minority participants under 35 years of age, consistent with the epidemiology of HIV infection among transgender women.

Intervention participants will be recruited to the study through a combination of approaches, including traditional print advertisement, referral, in-person outreach, and through word of mouth. A quantitative assessment will be used to collect information for this study, which will be delivered at the time of study enrollment and again at six-month follow up. The assessment will be used to measure differences in sexual risk knowledge, perceptions and behaviors including condom use, PrEP use and use of medically supervised hormone therapy.

Intervention mediators, including healthcare provider trust and communication skills, self-reported health status and healthcare access, community attachment and social support will also be measured. All participants will complete the assessment at baseline and again at six-month follow-up after enrolling in the study. The intervention group will participate in ChiCAS after completing the baseline assessment and the delayed intervention group will participate in ChiCAS after completing the six-month follow up assessment.

We will also examine intervention experiences through in-depth interviews with 30 intervention group participants. The interviews will capture participants' general experiences with the ChiCAS intervention, as well as their experiences and perceptions specific to the main study outcomes: PrEP knowledge, awareness, interest and use; condom skills and use; and hormone therapy knowledge, awareness, interest and use.

It is expected that 50% of transgender women screened will meet study eligibility. We expect the initial screening to take approximately four minutes to complete. The assessment will take 60 minutes (one hour) to complete and will be administered to 140 participants a total of two times. The interview will take 90 minutes (one and one-half hours) to complete and will be administered to 30 participants from the intervention group one time.

There are no costs to the respondents other than their time. The total estimated annualized burden hours is 172.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public—Adults	Eligibility Screener	140	1	3/60	7
General Public—Adults	Contact Information	70	1	1/60	2
General Public—Adults	Assessment	70	2	1.0	140
General Public—Adults	Interview	15	1	1.5	23
Total					172

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–18180 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–CE19–001, Injury Control Research Centers.

Dates: October 30, 2018 and November 2, 2018

Time: 8:30 a.m.–5:00 p.m., EDT

Place: The Georgian Terrace, 659 Peachtree St. NE, Atlanta, GA, 30308

Agenda: To review and evaluate grant applications.

For Further Information Contact: Mikel L. Walters, M.A., Ph.D., Scientific Review Official, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F–63, Atlanta, Georgia 30341, Telephone: (404) 639–0913; Email: *mwalters@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–18188 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting of the Advisory Committee on Immunization Practices

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public, limited only by room seating. The meeting room accommodates 400. Time will be available for public comment.

DATES: The meeting will be held on October 24, 2018, 8:30 a.m. to 5:15 p.m., EDT, and October 25, 2018, 8:30 a.m. to 4:00 p.m. EDT.

The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed in **FOR FURTHER INFORMATION CONTACT**. The deadline for receipt is October 15, 2018.

ADDRESSES: CDC, 1600 Clifton Road NE, Tom Harkin Global Communications Center, Kent 'Oz' Nelson Auditorium, Atlanta, GA 30329–4027.

The meeting will be webcast live via the World Wide Web; for instructions and more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, CDC, NCIRD, telephone 404–639–8836, email *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Matters to Be Considered: The agenda will include discussions on child/adolescent immunization schedule, adult immunization schedule, human papillomavirus vaccines, pneumococcal vaccines, Japanese encephalitis vaccines, zoster vaccine, Influenza vaccines, general recommendations, anthrax vaccine, hepatitis A vaccine, Pertussis vaccine, and meningococcal vaccines. A recommendation vote is scheduled for child/adolescent immunization schedule and adult immunization schedule. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

Public Comment: Written comments must include full name, address, organizational affiliation, email address of the speaker, topic being addressed and specific comments. Written comments must not exceed one single-spaced typed page with 1-inch margins containing all items above. Only those written comments received 10 business days in advance of the meeting will be included in the official record of the meeting. Public comments made in attendance must be no longer than 3 minutes and the person giving comments must attend the public comment session at the start time listed on the agenda. Time for public comments may start before the time indicated on the agenda. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–18184 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18ATK; Docket No.CDC–2018–0075]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled *Understanding multi-sectoral collaboration for strengthening public health capacities in Ethiopia.* The goal of this study is to explore multi-sectoral collaboration in Ethiopia, in the context of strengthening public health capacities under the Global Health Security Agenda.

DATES: CDC must receive written comments on or before October 22, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0075 by any of the following methods:

• *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.

• *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Understanding multi-sectoral collaboration for strengthening public health capacities in Ethiopia—New—Office of Public Health Preparedness and Response (OPHPR), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Countries with poor public health infrastructure are more vulnerable to adverse health outcomes caused by disease outbreaks, natural disasters, and other public health events (Rodier, 2007). The 2013 Ebola outbreak in West Africa highlighted the shortcomings of infrastructure and preparedness plans in the region, and prompted Ministries of Health in affected countries to reexamine capabilities and identify approaches for strengthening them (Heymann, 2015). More recently, the spread of the Zika virus in 2015 through more than twenty countries in the Americas demonstrated that prioritizing efforts to strengthen public health systems and capacities is imperative to mitigating the impact of public health events and improving global health security (Lucey, 2016).

Capacities refer to the abilities and resources of countries to identify and address problems, and carry out functions for public health. Public health emergency preparedness (PHEP) related capacities focus acutely on the resources and infrastructure required for communities and countries to effectively respond to incidents. Zoonotic disease (ZD) related capacities center on minimizing the spread of diseases from animals to humans in domestic, agricultural and wildlife settings.

PHEP and ZD are regarded as cross-cutting technical areas of public health, spanning numerous fields of practice and knowledge necessary to successfully mitigate the impacts of public health events. As a result, multi-sectoral collaboration—a cornerstone of many public health initiatives and programs—is a prominent feature of efforts and plans to strengthen PHEP and ZD capacities. While the importance of multi-sectoral collaboration for health strategies is widely recognized by global health experts and leaders, the evidence base on demonstrated benefits and advantages in public health capacity building is limited. Some research has been carried out to understand aspects of public health capacity strengthening efforts and their impact on global health security; however, it often focuses on high-income countries, such as the United States (U.S.). More research is needed, particularly in low- and middle-income country settings, to understand how collaboration occurs across sectors to implement efforts to strengthen PHEP and ZD capacities and systems, and to gain a deeper understanding of the perspectives of partners involved in the collaboration.

The purpose of the proposed research is to explore how multi-sectoral collaboration occurs for PHEP and ZD related activities implemented under the Global Health Security Agenda (GHSA). The research will employ a multiple-case study design in Ethiopia, focusing on the GHSA technical areas of PHEP and ZD as the cases. The study seeks to understand the landscape of stakeholders engaged in PHEP and ZD related capacity development, and their perspectives on one another's roles and contributions to efforts. This research will also examine stakeholder perceptions on barriers and facilitators to collaboration under GHSA, overall and in each technical area via in-depth interviews. Finally, this study will utilize an adapted questionnaire that measures collaboration across five key domains to foster dialogue between partners on the strength of multi-sectoral collaboration in Ethiopia for GHSA related ZD and PHEP activities. Participants will be able to provide feedback to these questionnaires through a workshop. Research findings will be compared across the two technical areas to understand similarities and differences in stakeholder environments and partner perspectives on collaboration under GHSA; they can also be used to identify opportunities to amplify successes and overcome challenges for stakeholders to collaborate across sectors—in Ethiopia and other countries—to achieve ZD and PHEP goals under GHSA. CDC will disseminate information and findings through presentations, publications, and summary reports to stakeholders and interested members of the public. This research can enrich understanding among stakeholders of one another's perspectives on collaborative efforts, and encourage further dialogue on how to best facilitate multi-sectoral collaboration for broad global agendas such as GHSA, and improved health outcomes overall. CDC is requesting a two year approval for this information collection. Information collection activities will begin approximately one month after OMB approval.

The total estimated cost to respondents for their participation in this proposed information collection is $12,483.20. The total estimated burden to respondents is 320 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Emergency Management Directors	In-depth interviews	80	1	1	80
Emergency Management Directors	Questionnaire	80	1	1	80
Emergency Management Directors	Questionnaire Feedback	40	1	4	160
Total					320

Jeffrey M. Zirger,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–18179 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Board of Scientific Counselors (BSC), Office of Infectious Diseases (OID)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking nominations for membership on the BSC, OID. The BSC, OID, consists of 17 experts in fields associated with the issues addressed by CDC's infectious disease national centers (*e.g.,* respiratory diseases, antimicrobial resistance, foodborne diseases, zoonotic and vectorborne diseases, sexually transmitted diseases) and specialties, including clinical and public health practice (including state and local health departments), research and diagnostics, bioinformatics, health policy/communications, and industry.

Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee's objectives. Nominees will be selected based on expertise in the fields of infectious diseases and related specialties. Federal employees will not be considered for membership. Members may be invited to serve for up to four-year terms.

Selection of members is based on candidates' qualifications to contribute to the accomplishment of BSC, OID, objectives (*www.cdc.gov/oid/BSC.html*).

DATES: Nominations for membership on the BSC, OID, must be received no later than October 31, 2018. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be mailed to BSC, OID, MS H–24–12, 1600 Clifton Road, Atlanta, GA 30329, or emailed (recommended) to *SWiley@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Sarah Wiley, M.P.H., Senior Advisor, Office of Infectious Diseases, CDC, MS H–24–12, 1600 Clifton Road, Atlanta, GA 30329, 404–639–2100, *SWiley@cdc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees (SGEs), requiring the filing of financial disclosure reports at the beginning and annually during their terms. CDC reviews potential candidates for BSC, OID membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in October 2019, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year. SGE Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address).
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.).

Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Sherri Berger,

Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2018–18187 Filed 8–22–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.676]

Announcement of Intent To Solicit and Issue One OPDIV-Initiated Supplement to Lutheran Immigration and Refugee Service, Inc. Under the Standing Announcement for Residential (Shelter) Services for Unaccompanied Children, HHS–2017–ACF–ORR–ZU–1132

AGENCY: Unaccompanied Alien Children (UAC) Program, Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS).

ACTION: Notice of solicitation and intent to issue of one OPDIV-Initiated Supplement to Lutheran Immigration and Refugee Service, Inc., Baltimore, MD under the UAC Program.

SUMMARY: ACF, ORR announces the solicitation and intent to issue one OPDIV-Initiated Supplement to Lutheran Immigration and Refugee Service, Inc., Baltimore, MD in an amount not to exceed $1,000,000.

ORR has been identifying additional capacity for fingerprinting services for an expected increase in the number of sponsors (parents, guardians, or family friends to whom the UAC will be released) who will need to be fingerprinted. Planning for increased fingerprinting capacity is a prudent step to ensure that ORR is able to meet its responsibility, by law, to ensure that the sponsor has not engaged in any activity that would indicate a potential risk to the UAC.

DATES: Supplemental award funds will support activities for up to eight months after award.

FOR FURTHER INFORMATION CONTACT: Jallyn Sualog, Director, Division of Unaccompanied Children Operations, Office of Refugee Resettlement, 330 C Street SW, Washington, DC 20201. Telephone: 202–401–4997; email: *jallyn.sualog@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: ORR is continuously monitoring its capacity to provide fingerprinting services to the sponsors of UAC referred to HHS, as well as the information received from interagency partners, to inform any future decisions or actions.

ORR has specific requirements for the provision of services. Award recipients must have the infrastructure, licensing, experience, and appropriate level of trained staff to meet those requirements. The expansion of the existing program and its services through this supplemental award is a key strategy for ORR to be prepared to meet its responsibility to provide fingerprinting services to the sponsors of UAC referred to its care by DHS.

ORR plans to solicit an application from Lutheran Immigration and Refugee Service, Inc., Baltimore, MD to meet the fingerprinting needs. If the application received a favorable objective review, ORR intends to issue a supplement in the amount up to $1,000,000.

Statutory Authority: This program is authorized by—

(A) Section 462 of the Homeland Security Act of 2002, which in March 2003, transferred responsibility for the care and custody of Unaccompanied Alien Children from the Commissioner of the former Immigration and Naturalization Service (INS) to the Director of ORR of the Department of Health and Human Services (HHS).

(B) The Flores Settlement Agreement, Case No. CV85–4544RJK (C.D. Cal. 1996), as well as the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Pub. L. 110–457), which authorizes post release services under certain conditions to eligible children. All programs must comply with the Flores Settlement Agreement, Case No. CV85–4544–RJK (C.D. Cal. 1996), pertinent regulations and ORR policies and procedures.

Elizabeth Leo,

Grants Policy Specialist, Division of Grants Policy, Office of Administration.

[FR Doc. 2018–18230 Filed 8–22–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–3079]

Request for Nominations for Voting Members on Public Advisory Panels or Committees; Device Good Manufacturing Practice Advisory Committee and the Medical Devices Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Device Good Manufacturing Practice Advisory Committee and device panels of the Medical Devices Advisory Committee in the Center for Devices and Radiological Health. This annual notice is also in accordance with the 21st Century Cures Act, which requires the Secretary to provide an annual opportunity for patients, representatives of patients, and sponsors of medical devices that may be specifically the subject of a review by a classification panel to provide recommendations for individuals with appropriate expertise to fill voting member positions on classification panels.

FDA seeks to include the views of women and men, members of all racial and ethnic groups, and individuals with and without disabilities on its advisory committees and, therefore, encourages nominations of appropriately qualified candidates from these groups.

DATES: Nominations received on or before October 22, 2018 will be given first consideration for membership on the Device Good Manufacturing Practice Advisory Committee and Panels of the Medical Devices Advisory Committee. Nominations received after October 22, 2018 will be considered for nomination to the committee as later vacancies occur.

ADDRESSES: All nominations for membership should be submitted electronically by logging into the FDA Advisory Nomination Portal: *https://www.accessdata.fda.gov/scripts/FACTRSPortal/FACTRS/index.cfm* or by mail to Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993–0002.

FOR FURTHER INFORMATION CONTACT: Regarding all nomination questions for membership, contact the following persons listed in table 1:

TABLE 1—PANEL AND ADVISORY COMMITTEE CONTACTS

Primary contact person or designated federal officer	Committee/panel
Joannie Adams-White, Office of the Center Director, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5519, Silver Spring, MD 20993, 301–796–5421, email: *Joannie.Adams-White@fda.hhs.gov*.	Medical Devices Dispute Resolution Panel.
LCDR Sara Anderson, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G616, Silver Spring, MD 20993, 301–796–7047, email: *Sara.Anderson@fda.hhs.gov*.	Dental Products Panel. Hematology and Pathology Devices Panel. Orthopaedic and Rehabilitation Devices Panel. Radiological Devices Panel.
Aden S. Asefa, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G642, Silver Spring, MD 20993, 301–796–0400, email: *Aden.Asefa@fda.hhs.gov*.	Immunology Devices Panel. Microbiology Devices Panel. Neurological Devices Panel. Ophthalmic Devices Panel. Device Good Manufacturing Practice Advisory Committee.
LCDR Patricio G. Garcia, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration,10903 New Hampshire Ave., Bldg. 66, Rm. G610, Silver Spring, MD 20993, 301–796–6875, email: *Patricio.Garcia@fda.hhs.gov*.	Clinical Chemistry and Clinical Toxicology Devices Panel. Gastroenterology and Urology Devices Panel. General and Plastic Surgery Devices Panel. Obstetrics and Gynecology Devices Panel.
Evella F. Washington, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G640, Silver Spring, MD 20993, 301–796–6683, email: *Evella.Washington@fda.hhs.gov*.	Anesthesiology and Respiratory Therapy Devices Panel. Circulatory System Devices Panel. Ear, Nose and Throat Devices Panel. General Hospital and Personal Use Devices Panel. Molecular and Clinical Genetics Devices Panel.

Information about becoming a member on an FDA advisory committee can also be obtained by visiting FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm.*

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for voting members for vacancies listed in table 2:

TABLE 2—EXPERTISE NEEDED, VACANCIES, AND APPROXIMATE DATE NEEDED

Committee/panel expertise needed	Vacancies	Approximate date needed
Device Good Manufacturing Practice Advisory Committee—Experts needed to provide cross-cutting scientific or clinical expertise concerning the particular issue in dispute. Vacancies include a representative of the interests of the general public and government and representatives of the interests of physicians and other health professionals.	1 General Public Representative 2 Health Professional Representatives. 1 Government Representative	Immediately. 6/1/2019.
Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee—Anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilator support, pharmacology, physiology, or the effects and complications of anesthesia.	1 3	Immediately. 11/30/2018.
Circulatory System Devices Panel of the Medical Devices Advisory Committee—Interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure.	3	Immediately.
Clinical Chemistry and Clinical Toxicology Panel of the Medical Devices Advisory Committee—Doctors of medicine or philosophy with experience in clinical chemistry (e.g., cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology.	1	2/28/2019.
Dental Products Panel of the Medical Devices Advisory Committee—Dentists, engineers, and scientists who have expertise in the areas of dental implants, dental materials, periodontology, tissue engineering, and dental anatomy.	2	10/31/2018.
Ear, Nose and Throat Devices Panel of the Medical Devices Advisory Committee—Otologists, neurotologists, audiologists.	3	10/31/2018.
Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee—Gastroenterologists, urologists, and nephrologists.	0	N/A.
General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee—Surgeons (general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic and endoscopic); dermatologists; experts in biomaterials, lasers, wound healing, and quality of life; and biostatisticians.	1 1	Immediately. 8/31/2018.
General Hospital and Personal Use Devices Panel of the Medical Devices Advisory Committee—Internists, pediatricians, neonatologists, endocrinologists, gerontologists, nurses, biomedical engineers or microbiologists/infection control practitioners or experts.	3 3	Immediately. 12/31/2018.

TABLE 2—EXPERTISE NEEDED, VACANCIES, AND APPROXIMATE DATE NEEDED—Continued

Committee/panel expertise needed	Vacancies	Approximate date needed
Hematology and Pathology Devices Panel of the Medical Devices Advisory Committee—Hematologists (benign and/or malignant hematology), hematopathologists (general and special hematology, coagulation and homeostasis, and hematological oncology), gynecologists with special interests in gynecological oncology, cytopathologists, and molecular pathologists with special interests in development of predictive and prognostic biomarkers.	1	2/28/2019.
Immunology Devices Panel of the Medical Devices Advisory Committee—Persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, or clinical laboratory medicine.	1 2	Immediately. 2/28/19.
Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee—Experts with broad, cross-cutting scientific, clinical, analytical, or mediation skills.	1	9/30/2018.
Microbiology Devices Panel of the Medical Devices Advisory Committee—Infectious disease (ID) clinicians (e.g. pulmonary disease specialists, sexually transmitted disease specialists, pediatric ID specialists, tropical diseases specialists) and clinical microbiologists experienced in emerging infectious diseases; clinical microbiology laboratory directors; molecular biologists with experience in in vitro diagnostic device testing; virologists; hepatologists; or clinical oncologists experienced with tumor resistance and susceptibility.	2	Immediately.
Molecular and Clinical Genetics Devices Panel of the Medical Devices Advisory Committee—Human genetics and in the clinical management of patients with genetic disorders, e.g., pediatricians, obstetricians, neonatologists. Individuals with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology and related statistical training, and clinical molecular genetics testing (e.g., genotyping, array comparative genomic hybridization (CGH), etc.) Individuals with experience in genetics counseling, medical ethics are also desired, and individuals with experience in ancillary fields of study will be considered.	3 2	Immediately. 5/31/2019.
Neurological Devices Panel of the Medical Devices Advisory Committee—Neurosurgeons (cerebrovascular and pediatric), neurologists (stroke, pediatric, pain management, and movement disorders), interventional neuroradiologists, psychiatrists, and biostatisticians.	1	Immediately.
Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee—Perinatology, embryology, reproductive endocrinology, pediatric gynecology, gynecological oncology, operative hysteroscopy, pelviscopy, electrosurgery, laser surgery, assisted reproductive technologies, contraception, postoperative adhesions, and cervical cancer and colposcopy; biostatisticians and engineers with experience in obstetrics/gynecology devices; urogynecologists; experts in breast care; experts in gynecology in the older patient; experts in diagnostic (optical) spectroscopy; experts in midwifery; labor and delivery nursing.	1 2	Immediately. 1/31/2019.
Ophthalmic Devices Panel of the Medical Devices Advisory Committee—Ophthalmologists specializing in cataract and refractive surgery and vitreo-retinal surgery, in addition to vision scientists, optometrists, and biostatisticians practiced in ophthalmic clinical trials.	2 3	Immediately. 10/31/2018.
Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee—Orthopaedic surgeons (joint, spine, trauma, and pediatric); rheumatologists; engineers (biomedical, biomaterials, and biomechanical); experts in rehabilitation medicine, sports medicine, and connective tissue engineering; and biostatisticians.	2 1	8/31/2018. 8/31/2019.
Radiological Devices Panel of the Medical Devices Advisory Committee—Physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging and image analysis.	3 3	Immediately. 1/31/2019.

I. General Description of the Committees Duties

A. Device Good Manufacturing Practice Advisory Committee

The Committee reviews regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations to the Commissioner of Food and Drugs (the Commissioner) regarding the feasibility and reasonableness of those proposed regulations. The Committee also advises the Commissioner on any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations that is referred to the committee.

B. Medical Devices Advisory Committee

The Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. The panels engage in a number of activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (FD&C Act) envisions for device advisory panels. With the exception of the Medical Devices

Dispute Resolution Panel, each panel, according to its specialty area, performs the following duties: (1) Advises the Commissioner regarding recommended classification or reclassification of devices into one of three regulatory categories, (2) advises on any possible risks to health associated with the use of devices, (3) advises on formulation of product development protocols, (4) reviews premarket approval applications for medical devices, (5) reviews guidelines and guidance documents, (6) recommends exemption of certain devices from the application of portions of the FD&C Act, (7) advises on the necessity to ban a device, and (8) responds to requests from the Agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug panel. The functions of the dental drug panel are to evaluate and recommend whether various prescription drug products should be changed to over-the-counter status and to evaluate data and make recommendations concerning the approval of new dental drug products for human use.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and Agency guidance and policies. The panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or Agency decisions or actions.

II. Criteria for Voting Members

A. Device Good Manufacturing Practice Advisory Committee

The Committee consists of a core of nine members including the Chair. Members and the Chair are selected by the Secretary of Health and Human Services. Persons nominated for membership as a health professional or officer or employee of any Federal, State, or local government should have knowledge of or expertise in any one or more of the following areas: Quality assurance concerning the design, manufacture, and use of medical devices. To be eligible for selection as a representative of the general public, nominees should possess appropriate qualifications to understand and contribute to the committee's work. Three of the members shall be officers or employees of any State or local government or of the Federal Government; two shall be representative of the interests of the device manufacturing industry; two shall be representatives of the interests of physicians and other health professionals; and two shall be representatives of the interests of the general public. Almost all non-Federal members of this committee serves as Special Government Employees. Members are invited to serve for overlapping terms of 4 years. The particular needs at this time for this committee are listed in table 2 of this document.

B. Panels of the Medical Devices Advisory Committee

The Medical Devices Advisory Committee (MDAC) with its 18 panels shall consist of a maximum of 159 standing members. Members are selected by the Commissioner or designee from among authorities in clinical and administrative medicine, engineering, biological and physical sciences, and other related professions. Almost all non-Federal members of this committee serve as Special Government Employees. A maximum of 122 members shall be standing voting members and 37 shall be nonvoting members who serve as representatives of consumer interests and of industry interests. FDA is publishing separate documents announcing the Request for Nominations Notification for Non-Voting Representatives on certain panels of the MDAC. Persons nominated for membership on the panels should have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are listed in table 2. Members will be invited to serve for terms of up to 4 years.

III. Nomination Procedures

Any interested person may nominate one or more qualified individuals for membership on one or more of the advisory panels or advisory committees. Self-nominations are also accepted. Nominations must include a current, complete resume or curriculum vitae for each nominee, including current business address, telephone number, and email address if available and a signed copy of the Acknowledgement and Consent form available at the FDA Advisory Nomination Portal (see **ADDRESSES**). Nominations must also specify the advisory committee(s) for which the nominee is recommended. Nominations must also acknowledge that the nominee is aware of the nomination unless self-nominated. FDA will ask potential candidates to provide detailed information concerning such matters related to financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: August 17, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–18216 Filed 8–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2896]

Osteoarthritis: Structural Endpoints for the Development of Drugs, Devices, and Biological Products for Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Osteoarthritis: Structural Endpoints for the Development of Drugs, Devices, and Biological Products for Treatment.'' The purpose of this draft guidance is to assist sponsors who are developing drugs, devices, or biological products to treat the underlying pathophysiology and structural progression of osteoarthritis (OA). This draft guidance does not address improvement of symptoms of OA, such as pain or

functional impairment, which will be addressed in future guidances.

DATES: Submit either electronic or written comments on the draft guidance by October 22, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–2896 for ''Osteoarthritis: Structural Endpoints for the Development of Drugs, Devices, and Biological Products for Treatment.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002; or Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Nikolay Nikolov, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 3202, Silver Spring, MD 20993–0002, 301–796–5281; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911; or Sahar Dawisha, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm, 5536, Silver Spring, MD 20993–0002, 301–796–6192.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Osteoarthritis: Structural Endpoints for the Development of Drugs, Devices, and Biological Products for Treatment.'' The purpose of this draft guidance is to assist sponsors who are developing drugs, devices, or biological products to treat the underlying pathophysiology and structural progression of OA. This guidance does not address improvement of symptoms of OA, such as pain or functional impairment. FDA recognizes the importance of these outcomes, which will be addressed in future guidances. The previous draft guidance for industry entitled ''Clinical Development Programs for Drugs, Devices, and Biological Products Intended for the Treatment of Osteoarthritis (OA),'' published July 15, 1999, has been withdrawn.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Osteoarthritis: Structural Endpoints for the Development of Drugs, Devices, and Biological Products for Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm, https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm,* or *https://www.regulations.gov.*

Dated: August 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–18214 Filed 8–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0377]

Agency Information Collection Activities; Proposed Collection; Comment Request; Tobacco Health Document Submission

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Tobacco Health Document Submissions.

DATES: Submit either electronic or written comments on the collection of information by October 22, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 22, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 22, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2013–N–0377 for ''Tobacco Health Document Submission.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests

or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Tobacco Health Document Submission

OMB Control Number 0910–0654—Extension

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) (Pub. L. 111–31) into law. The Tobacco Control Act amended the Federal Food, Drug, and Cosmetic Act (FD&C Act) by adding, among other things, a new chapter granting FDA important authority to regulate the manufacture, marketing, and distribution of tobacco products to protect the public health generally and to reduce tobacco use by minors. Additionally, section 101 of the Tobacco Control Act amended the FD&C Act by adding, among other things, new section 904(a)(4) (21 U.S.C. 387d(a)(4)).

Section 904(a)(4) of the FD&C Act requires each tobacco product manufacturer or importer, or agent thereof, to submit all documents developed after June 22, 2009, ''that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives'' (herein referred to as ''tobacco health documents'').

FDA announced the availability of a guidance on this collection in the **Federal Register** of April 4, 2010 (75 FR 20606) (revised December 5, 2016 (81 FR 87565) and August 10, 2017 (82 FR 37459) (extending compliance dates)), and requested health documents that were created during the period of June 23, 2009, through December 31, 2009 based on the statutory requirements. The guidance stated that information required under section 904(a)(4) of the FD&C Act must be submitted to FDA beginning December 22, 2009. However, FDA also explained that it did not intend to enforce the December 22, 2009, deadline provided that the documents were submitted by April 30, 2010, for all health documents developed between June 23, 2009 and December 31, 2009. Further, FDA stated it would publish a revised guidance specifying the timing of subsequent reporting.

FDA has been collecting the information submitted pursuant to section 904(a)(4) of the FD&C Act through a facilitative electronic form and through a paper form (Form FDA 3743) for those individuals who choose not to use the electronic method. On both forms, FDA is requesting the following information from firms that have not already reported or still have documents to report:

- Submitter identification
- Submitter type, company name, address, country, company headquarters Dun and Bradstreet D–U–N–S number, and FDA assigned Facility Establishment Identifier (FEI) number
- Submitter point of contact
- Contact name, title, position title, email, telephone, and fax
- Submission format and contents (as applicable)
- Electronic documents: Media type, media quantity, size of submission, quantity of documents, file type, and file software
- Paper documents: Quantity of documents, quantity of volumes, and quantity of boxes
- Whether or not a submission is being provided
- Confirmation statement
- Identification and signature of submitter including name, company name, address, position title, email, telephone, and fax
- Document categorization (as applicable): Relationship of the document or set of documents to the following:
  - Health, behavioral, toxicological, or physiological effects
  - Uniquely identified current or future tobacco product(s)
  - Category of current or future tobacco product(s)
  - Specific ingredient(s), constituent(s), component(s), or additive(s)
  - Class of ingredient(s), constituent(s), component(s), or additive(s)
- Document readability and accessibility: Keywords; glossary or explanation of any abbreviations, jargon, or internal (*e.g.,* code) names; special instructions for loading or compiling submission.
- Document metadata: Date document was created, document author(s), document recipient(s), document custodian, document title or identification number, beginning and ending Bates numbers, Bates number ranges for documents attached to a submitted email, document type, and whether the document is present in the University of California San Francisco's Truth Tobacco Documents database.

In addition to the electronic and paper forms, FDA issued guidance documents intended to assist persons making tobacco health document submissions (draft guidance: December 28, 2009 (74 FR 68629); final guidance: April 20, 2010 (75 FR 20606); revised December 5, 2016 (81 FR 87565) and August 10, 2017 (82 FR 37459) (extending compliance dates)). For further assistance, FDA is providing a technical guide, embedded hints, and a web tutorial on the electronic portal.

FDA issued a final rule to deem products meeting the statutory definition of ''tobacco product'' to be subject to the FD&C Act on May 10, 2016 (81 FR 28973), which became effective on August 8, 2016. The FD&C Act provides FDA authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco (RYO), smokeless tobacco, and any other tobacco products that the Agency by regulation deems to be subject to the law. This final rule extends the Agency's ''tobacco product'' authorities to all other categories of products that meet the statutory definition of ''tobacco product'' in the FD&C Act, except accessories of such deemed tobacco products.

For tobacco products subject to the deeming rule, FDA understands ''current or future tobacco products'' to refer to products commercially distributed on or after August 8, 2016, or products in any stage of research or development at any time after August 8, 2016, including experimental products and developmental products intended for introduction into the market for consumer use. For cigarettes, cigarette tobacco, RYO, and smokeless tobacco, FDA understands ''current or future tobacco products'' to refer to products commercially distributed on or after

June 23, 2009, or products in any stage of research or development at any time after June 23, 2009, including experimental products and developmental products intended for introduction into the market for consumer use.

All manufacturers and importers of tobacco products are now subject to the FD&C Act and are required to comply with section 904(a)(4), which requires immediate and ongoing submission of health documents developed after June 22, 2009 (the date of enactment of the Tobacco Control Act). However, FDA generally does not intend to enforce the requirement at this time with respect to all such health documents relating to the deemed tobacco products, so long as a specified set of documents, those developed between June 23, 2009, and December 31, 2009, were submitted by February 8, 2017, or in the case of small-scale deemed tobacco product manufacturers (small-scale manufacturers), by November 8, 2017 (81 FR 28974 at 29008–09). Additionally, FDA extended the compliance deadlines by an additional 6 months for small-scale manufacturers in the areas impacted by recent natural disasters to May 8, 2018. Thereafter, FDA's compliance plan requests deemed manufacturers provide tobacco health document submissions from the specified period, at least 90 days prior to the delivery for introduction into interstate commerce of tobacco products to which the health documents relate. Manufacturers or importers of cigarettes, cigarette tobacco, RYO, or smokeless tobacco products must provide all health documents developed between June 23, 2009, and December 31, 2009, at least 90 days prior to the delivery for introduction of tobacco products into interstate commerce. 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
Tobacco Health Document Submissions and Form FDA 3743	10	3.2	32	50	1,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of documents received each year since the original collection period has fallen to less than 5 percent of what was received in the original collection period. FDA expects this is because documents created within the specified period should have already been submitted. The Agency bases this estimate on the total number of tobacco firms it is aware of and its experience with document production and the number of additional documents that have been reported each year since the original estimate of the reporting burden.

FDA estimates that a tobacco health document submission for cigars, pipe and waterpipe tobacco, electronic nicotine delivery systems (ENDS), and other tobacco products as required by section 904(a)(4) of the FD&C Act, will take approximately 50 hours per submission based on the existing collection that applies to tobacco products currently subject to the FD&C Act and FDA experience. To derive the number of respondents for this provision, FDA assumes that very few manufacturers or importers of deemed tobacco products, or agents thereof, would have health documents to submit. In addition to the existing 4 respondents, the Agency estimates that approximately 6 submissions (2 for cigar manufacturers, 1 for pipe and waterpipe tobacco manufacturers, 1 for other tobacco product manufacturers, 1 for tobacco importers, and 1 for importers of ENDS who are considered manufacturers) will be submitted on an annual basis for a total of 10 respondents. FDA estimates the total annual reporting burden to be 1,600 hours.

Based on a review of the information collection of our current OMB approval, we have made no adjustments to our burden estimate.

Dated: August 17, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–18212 Filed 8–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–2776]

Evaluating Inclusion and Exclusion Criteria in Clinical Trials; Workshop Report; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency is announcing the availability of a summary report of a public workshop that was held on April 16, 2018, entitled ''Evaluating Inclusion and Exclusion Criteria in Clinical Trials.'' The FDA Reauthorization Act of 2017 (FDARA) requires that the Agency convene a public workshop to discuss clinical trial eligibility criteria to inform a guidance on this subject and to publish a report summarizing the topics discussed within 90 days of the public workshop. This summary report fulfills FDA's mandate under FDARA.

ADDRESSES: For persons without internet access, copies of the summary report can be requested from the Division of Drug Information, Food and Drug Administration, by mail: 10001 New Hampshire Ave, Silver Spring, MD 20993–0002, or toll free telephone: 855–543–3784.

FOR FURTHER INFORMATION CONTACT: Dianne Paraoan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg 51, Rm. 3326, Silver Spring, MD 20993, 301–796–2500, *Dianne.Paraoan@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 610 of FDARA requires that FDA convene a public workshop to discuss clinical trial eligibility criteria to inform a guidance on this subject and to publish a report summarizing the topics discussed within 90 days of the public workshop (Pub. L. 115–52). On April 16, 2018, FDA convened the public workshop required by FDARA entitled ''Evaluating Inclusion and Exclusion Criteria in Clinical Trials.'' This notice announces the availability of the report required by FDARA that summarizes the major points explored with stakeholders during the public workshop. The report is intended only as a summary of the workshop

discussions and does not provide guidance or reflect FDA's current thinking on this subject. The workshop report was posted on FDA's website on July 11, 2018.

II. Electronic Access

Persons may obtain the summary report at *https://www.fda.gov/RegulatoryInformation/LawsEnforcedbyFDA/SignificantAmendmentstotheFDCAct/FDARA/ucm598050.htm.*

Dated: August 17, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–18232 Filed 8–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Advisory Council on the National Health Service Corps

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The National Advisory Council on the National Health Service Corps (NACNHSC) has scheduled a public meeting. Information about NACNHSC and the agenda for this meeting can be found on the NACNHSC website at *https://nhsc.hrsa.gov/about/national-advisory-council-nhsc/index.html.*

DATES: September 17, 2018, 9:00 a.m.–5:00 p.m. ET, and September 18, 2018, 9:00 a.m.–2:30 p.m., E.T.

ADDRESSES: This meeting will be held in person and will offer virtual access through teleconference and webinar. The address for the meeting is 5600 Fishers Lane, Room 5W37, Rockville, Maryland 20857.

- *Conference call-in number:* 1–800–238–9007; passcode: 155333.
- Webinar link is *https://hrsa.connectsolutions.com/nacnhsc.*

FOR FURTHER INFORMATION CONTACT: Diane Fabiyi-King, Designated Federal Official (DFO), Division of National Health Service Corps, HRSA, 5600 Fishers Lane, Room 14N110, Rockville, Maryland 20857; 301–443–3609; or *DFabiyi-King@hrsa.gov.*

SUPPLEMENTARY INFORMATION: NACNHSC consults, advises, and makes recommendations to the HHS Secretary and the HRSA Administrator with respect to their responsibilities. NACNHSC also reviews and comments on regulations promulgated by the Secretary under Subpart II, Part D of Title III of the Public Health Service Act.

During the September 2018 meetings, NACNHSC will continue its discussion from the May 15, 2018, meeting to develop recommendations on the current NHSC focus areas and finalize policy recommendations to the Secretary and the HRSA Administrator. The current circumstances to strengthen the healthcare workforce and NHSC's role in the expansion and improvement of access to quality opioid and substance use disorder treatment in rural and underserved areas is an important opportunity for NACNHSC to add its voice. For this reason, NACNHSC will develop comprehensive policy recommendations and a framework to articulate a clear vision and mission statement that aligns with the BHW and HRSA strategic plan. An agenda will be posted on the NACNHSC website prior to the meeting. Agenda items are subject to change as priorities dictate.

Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments to the NACNHSC should be sent to Monica-Tia Bullock by email at *MBullock@hrsa.gov* at least 3 business days prior to the meeting. Council members are given copies of all written statements submitted from the public. Any further public participation will be solely at the discretion of the Chair, with approval of the DFO. Registration through the designated contact for the public comment session is required. Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Monica-Tia Bullock using the email address listed above at least 10 business days prior to the meeting. Since this meeting occurs in a federal government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance at least 10 business days prior to the meeting in order to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–18143 Filed 8–22–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Privacy Act of 1974; System of Records

AGENCY: Office of Security and Strategic Information (OSSI), Immediate Office of the Secretary (IOS), Department of Health and Human Services (HHS).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended (the Act), the Department of Health and Human Services (HHS) is providing notice of the establishment of a new system of records, System No. 09–90–1701, HHS Insider Threat Program Records. The new system of records will cover records about individuals, retrieved by personal identifier, which are compiled and used by the Department's Office of Security and Strategic Information (OSSI), within the Immediate Office of the Secretary (IOS), to administer the Department's insider threat program. Because the records in this system of records include investigatory material compiled for law enforcement purposes and information classified in the interest of national security, elsewhere in today's **Federal Register** HHS has published a Notice of Proposed Rulemaking (NPRM) to exempt this system of records from certain requirements of the Privacy Act, pursuant to subsections (k)(1) and (k)(2) of the Act. The system of records is more fully described in the **SUPPLEMENTARY INFORMATION** section of this notice and in the System of Records Notice (SORN) published in this notice.

DATES: This system of records is applicable August 23, 2018 with the exception of the routine uses and exemptions. Written comments on the SORN should be submitted by September 24, 2018. If HHS receives no significant adverse comment within the specified comment period, the routine uses will be applicable on September 24, 2018. If any timely significant adverse comment is received, HHS will publish a revised system of records. The exemptions will be applicable following publication of a Final Rule.

ADDRESSES: The public should address written comments on the proposed system of records to *insiderthreat@hhs.gov* or to the HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: General questions about the system of records may be submitted to Michael Schmoyer, Ph.D., Assistant Deputy

Secretary for National Security, by telephone, email, or mail, at (202) 690–5756 or *insiderthreat@hhs.gov* or at HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

SUPPLEMENTARY INFORMATION: Each federal agency is mandated by Presidential Executive Order 13587, issued October 7, 2011, to establish an insider threat detection and prevention program to ensure the security of classified networks and the responsible sharing and safeguarding of classified information consistent with appropriate protections for privacy and civil liberties. The order states in section 2.1:

> The heads of agencies that operate or access classified computer networks shall have responsibility for appropriately sharing and safeguarding classified information on computer networks. As part of this responsibility, they shall implement an insider threat detection and prevention program consistent with guidance and standards developed by the Insider Threat Task Force established in section 6 of this order.

A threat need not be directed at classified information to threaten classified networks. Consequently, insider threats include any of the following: Attempted or actual espionage, subversion, sabotage, terrorism, or extremist activities directed against the Department and its personnel, facilities, information resources, and activities; unauthorized use of or intrusion into automated information systems; unauthorized disclosure of classified, controlled unclassified, sensitive, or proprietary information to technology; indicators of potential insider threats or other incidents that may indicate activities of an insider threat; and other threats to the Department, such as indicators of potential for workplace violence or misconduct.

The records that OSSI will compile to administer HHS' insider threat program may be from any HHS component, office, program, record or source, and may include records pertaining to information security, personnel security, or systems security. The records covered under System No. 09–90–1701 include investigatory material compiled for law enforcement purposes and information classified in the interest of national security. Accordingly, HHS has published a Notice of Proposed Rulemaking (NPRM) in today's **Federal Register** to exempt such material in the new system of records from certain Privacy Act requirements, based on subsections (k)(1) and (k)(2) of the Act.

The Insider Threat Program system of records includes investigatory material compiled for law enforcement purposes and information classified in the interest of national security. While OSSI does not perform criminal law enforcement activity as its principal function, OSSI may compile in System No. 09–90–1701 material obtained from other agencies or components which perform as their principal function activities pertaining to the enforcement of criminal laws, and which have exempted their records from certain Privacy Act requirements, based on 5 U.S.C. 552a(j)(2). All other investigatory material compiled for law enforcement purposes is eligible to be exempted from certain Privacy Act requirements based on 5 U.S.C. 552a(k)(2). Information classified in the interest of national security is eligible to be exempted from certain Privacy Act requirements, based on 5 U.S.C. 552a(k)(1). The Department's NPRM published in today's **Federal Register** proposes to establish these exemptions for System No. 09–90–1701:

- Law enforcement investigatory material compiled in this system of records that is from another system of records in which such material was exempted from access and other requirements of the Privacy Act (the Act) based on 5 U.S.C. 552a(j)(2) will be exempt in this system of records on the same basis (5 U.S.C. 552a(j)(2)) and from the same requirements as in the source system. The requirements from which records described in 5 U.S.C. 552a(j)(2) are eligible to be exempted are: (c)(3)–(4); (d)(1)–(4); (e)(1)–(3), (e)(4)(G)–(I), (e)(5), (e)(8), (e)(12); (f); (g); and (h).
- All other law enforcement investigatory material in System No. 09–90–1701 will be exempt, based on 5 U.S.C. 552a(k)(2), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), (e)(4)(G)–(I), and (f) of the Act. However, if any individual is denied a right, privilege, or benefit to which the individual would otherwise be entitled by Federal law or for which the individual would otherwise be eligible, access will be granted, except to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality.
- Information in this system of records that is classified in the interest of national security will be exempt, based on 5 U.S.C. 552a(k)(1), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), (e)(4)(G)–(I), and (f) of the Act.

Note that this system of records does not cover investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment, military service, federal contracts, or access to classified information. Such material is covered by other HHS systems of records (*i.e.,* 09–90–0002 with respect to HHS Office of Inspector General determinations, and 09–90–0020 as to all other HHS determinations) which have been exempted from access and other Privacy Act requirements based on 5 U.S.C. 552a(k)(5).

SYSTEM NAME AND NUMBER

HHS Insider Threat Program Records, 09–90–1701

SECURITY CLASSIFICATION:

Classified and unclassified.

SYSTEM LOCATION:

HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

SYSTEM MANAGER(S):

Assistant Deputy Secretary for National Security, HHS Office of Security and Strategic Information (OSSI), 200 Independence Avenue SW, Washington, DC 20201.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 13587, Structural Reforms To Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information (Oct. 7, 2011).

Presidential Memorandum, National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs (Nov. 21, 2012).

Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458, 118 Stat. 3638; Intelligence Authorization Act for FY 2010, Public Law 111–259, 124 Stat. 2654.

28 U.S.C. 535, Investigation of Crimes Involving Government Officers and Employees; Limitations; 50 U.S.C. 3381, Coordination of Counterintelligence Activities; E.O. 10450, Security Requirements for Government Employment (Apr. 17, 1953); E.O. 12333, United States Intelligence Activities (as amended); E.O. 12829, National Industrial Security Program; E.O. 12968, Access to Classified Information (Aug. 2, 1995); E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information (June 30, 2008); E.O. 13488, Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in

Positions of Public Trust (Jan. 16, 2009); E.O. 13526, Classified National Security Information (Dec. 29, 2009).

44 U.S.C. 3554, Federal Agency Responsibilities; 44 U.S.C. 3557, National Security Systems. E.O. 12333, United States Intelligence Activities (Dec. 4, 1981); E.O. 13556, Controlled Unclassified Information (Nov. 4, 2010); E.O. 13526, Classified National Security Information (Dec. 29, 2009); E.O. 13388, Further Strengthening the Sharing of Terrorism Information To Protect Americans (Oct. 25, 2005); E.O. 13587, Structural Reforms to Improve the Security of Classified Information Networks and Responsible Sharing and Safeguarding of Classified Information (Oct. 7, 2011); E.O. 12829, National Industrial Security Program (Jan. 6, 1993); E.O. 13549, Classified National Security Information Programs for State, Local, Tribal, and Private Sector Entities (Aug. 18, 2010); E.O. 13636, Improving Critical Infrastructure Cybersecurity (Feb. 12, 2013); Committee on National Security Systems Directive 504, Directive on Protecting NSS from Insider Threat (Feb. 4, 2014); Committee on National Security Systems Directive 505, Supply Chain Risk Management (SCRM) (Mar. 7, 2012); Committee on National Security Systems Instruction 4009, Committee on National Security Systems (CNSS) Glossary (Apr. 6, 2015); Presidential Decision Directive/NSC–12 Security Awareness and Reporting of Foreign Contacts (Aug. 5, 1993); HHS Residual Standards of Conduct, 45 CFR part 73 (May 20, 2015); Statement of Organization, Functions, and Delegations of Authority for the Office of Security and Strategic Information, 71 FR 71004 (Nov. 28, 2012); HHS Counterintelligence and Insider Threat Policy (July 13, 2015); OS Policy for Special Monitoring of Employee Use of Information Technology Resources (Nov. 7, 2013); HHS Policy for Handling Security Incidents Related to the Potential Unauthorized Disclosure of Classified National Security Information (June 20, 2013); HHS Counterintelligence and Insider Threat Policy (July 7, 2015); HHS Policy for Handling Security Incidents Related to the Potential Unauthorized Disclosure of Classified National Security Information (June 20, 2013).

PURPOSE(S) OF THE SYSTEM:

The purpose of the system is to support a program of insider threat detection and prevention that is consistent with guidance and standards developed by the National Insider Threat Task Force, ensures the responsible sharing and safeguarding of information, and provides appropriate privacy and civil liberties protections. Records will be used on a need-to-know basis to manage insider threat matters; facilitate inside threat investigations and activities associated with counterintelligence and counterespionage complaints, inquiries and investigations; identify threats to Department resources, including threats to the Department's personnel, facilities, and information assets (including, in particular, classified networks and information); track tips and referrals of potential insider threats to internal and external partners; provide information for statistical reports; and meet other insider threat program requirements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system are HHS insiders, defined as any person with authorized access to any HHS resource to include personnel, facilities, information, equipment, networks or systems. Such persons include present and former HHS employees, members of joint task forces under the purview of HHS, contractors, detailees, assignees, interns, visitors, and guests.

For the purposes of this system of records, sensitive information includes information classified pursuant to Executive Orders 13526, 12829, and 13549 and unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and U.S. Government-wide policies falling under the program established by Executive Order 13556.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will include these categories of records:

A. *Records derived from lawful HHS security investigations,* including authorized physical, personnel, and communications security investigations, and information systems security analysis and reporting, such as:

- Responses to information requested by official questionnaires (*e.g.,* SF 86 Questionnaire for National Security Positions) that include: Full name, former names and aliases; date and place of birth; social security number; height and weight; hair and eye color; gender; ethnicity and race; biometric data; mother's maiden name; personal identity verification (PIV) number; current and former home and work addresses, phone numbers, and email addresses; employment history; military record information; selective service registration record; residential history; education history and degrees earned; names of associates and references with their contact information; citizenship information; passport information; driver's license information; identifying numbers from access control passes or identification cards; criminal history; civil court actions; prior personnel security eligibility, investigative, and adjudicative information, including information collected through continuous evaluation; mental health history; records related to drug or alcohol use; financial record information; credit reports; the name, date and place of birth, social security number, and citizenship information for spouse or cohabitant; the name and marriage information for current and former spouse(s); the citizenship, name, date and place of birth, and address for relatives;
- Reports furnished to HHS or collected by HHS in connection with personnel security investigations, continuous evaluation for eligibility for access to classified information, and insider threat detection programs operated by HHS pursuant to Federal laws and Executive Orders and HHS policies, including information derived from: Responses to information requested on foreign contacts and activities; association records; information on loyalty to the United States;
- Records relating to the management and operation of HHS personnel and physical security, including information derived from: Personnel security adjudications and financial disclosure filings; nondisclosure agreements; document control registries; courier authorization requests; derivative classification unique identifiers; requests for access to sensitive compartmented information (SCI); security violation files; travel records; foreign contact reports; briefing and debriefing statements for special programs, positions designated as sensitive; polygraph examination results; logs of computer activities on all HHS information technology (IT) systems or any IT systems accessed by HHS personnel with security clearances; facility access records; and
- Reports of investigation regarding security violations, including: Individual statements or affidavits and correspondence; incident reports; drug test results; investigative records of a criminal, civil, or administrative nature; letters, emails, memoranda and reports; exhibits, evidence, statements, and affidavits; inquiries relating to suspected security violations; and recommended remedial actions for possible security violations.

B. *Summaries or reports about potential insider threats,* from:

• Reports of investigation regarding security violations, including: Statements, declarations, affidavits and correspondence; incident reports; investigative records of a criminal, civil or administrative nature; letters, emails, memoranda, and reports; exhibits and evidence; and, recommended remedial or corrective actions for security violations; reports about potential insider threats regarding: Personnel user names and aliases, levels of network access, audit data, information regarding misuse of HHS devices, information regarding unauthorized use of removable media, and logs of printer, copier, and facsimile machine use;

• Information collected through user activity monitoring, which is the technical capability to observe and record the actions and activities of all users, at any time, on a computer network monitored by HHS, even if not controlled by HHS, thereof in order to deter, detect, and mitigate insider threats as well as to support authorized investigations. Such information may include key strokes, screen captures, and content transmitted via email, chat, or data import or export;

• Reports about potential insider threats from records of usage of government telephone systems, including the telephone number initiating the call, the telephone number receiving the call, and the date and time of the call;

• Payroll information, travel vouchers, benefits information, credit reports, equal employment opportunity complaints, performance evaluations, disciplinary files, training records, substance abuse and mental health records of individuals undergoing law enforcement action or presenting an identifiable imminent threat, counseling statements, outside work and activities requests, and personal contact records; and

• Particularly sensitive or protected information, including information held by special access programs, law enforcement, inspector general, or other investigative sources or programs. Access to such information may require additional approval by the senior HHS official who is responsible for managing and overseeing the program.

C. *Information related to investigative or analytical efforts by HHS insider threat program personnel,* including:

• Identifying threats to HHS personnel, property, facilities, and information; information obtained from Intelligence Community members, the Federal Bureau of Investigation, or from other agencies or organizations about individuals known or suspected of being engaged in conduct constituting, preparing for, aiding, or relating to an insider threat, including espionage or unauthorized disclosure of classified national security information;

• *Publicly available information,* such as information regarding: Arrests and detentions; real property; bankruptcy; liens or holds on property; vehicles; licensure (including professional and pilot's licenses, firearms and explosive permits); business licenses and filings; and from social media;

• Information provided by record subjects and individual members of the public; and

• Information provided by individuals who report known or suspected insider threats.

D. *Reports about potential insider threats obtained through the management and operation of the HHS Operating or Staff Division insider threat programs,* including:

• Documentation pertaining to investigative or analytical efforts by HHS insider threat program personnel to identify threats to HHS personnel, property, facilities, and information;

• Records collated to examine information technology events and other information that could reveal potential insider threat activities; and

• Travel records.

E. *Reports about potential insider threats obtained from other Federal Government sources,* including:

• Documentation obtained from Intelligence Community members, the Federal Bureau of Investigation, or from other agencies or organizations pertaining to individuals known or suspected of being engaged in conduct constituting, preparing for, aiding, or relating to an insider threat, including espionage or unauthorized disclosure of classified national security information; and

• Intelligence reports and database query results relating to individuals covered by this system.

RECORD SOURCE CATEGORIES:

Information in the system will be received from Department officials, employees, contractors, and other individuals who are associated with or represent HHS; officials from other foreign, federal, tribal, state, and local government agencies and organizations; non-government, commercial, public, and private agencies and organizations; complainants, informants, suspects, and witnesses; and from relevant records, including counterintelligence and security databases and files; personnel security databases and files; HHS human resources databases and files; Office of the Chief Information Officer and information assurance databases and files; information collected through user activity monitoring; HHS telephone usage records; federal, state, tribal, territorial, and local law enforcement and investigatory records; Inspector General records; available U.S. Government intelligence and counterintelligence reporting information and analytic products pertaining to adversarial threats; other Federal agencies; and publicly available information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

HHS may disclose records about an individual from this system of records to parties outside HHS, without the individual's prior written consent, pursuant to these routine uses:

1. Records may disclosed to agency contractors, consultants, or others who have been engaged by the agency to assist with accomplishment of an HHS function relating to the purposes of this system of records and who need to have access to the records in order to assist HHS.

2. Records may be disclosed to any person, organization, or governmental entity in order to notify them of a serious terrorist threat for the purpose of guarding against or responding to the threat.

3. Records may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation

4. Records may be disclosed to a federal, state, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable the intelligence agency with the relevant authority and responsibility for the matter to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA act of 1949 as emended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

5. Factual information the disclosure of which would be in the public interest and which would not constitute an unwarranted invasion of personal privacy may be disclosed to the news media or the general public.

6. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether

arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, tribal, territorial, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or the rule, regulation, or order issued pursuant thereto.

7. Records may be disclosed to an appropriate federal, state, local, tribal, territorial, foreign, or international agency, if the information is relevant and necessary to a requesting agency's decision concerning the hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, delegation or designation of authority, or other benefit, or if the information is relevant and necessary to a HHS decision concerning the hiring or retention of an employee, 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, delegation or designation of authority, or other benefit and disclosure is appropriate to the proper performance of the official duties of the person making the request.

8. Records may be disclosed to the Department of Justice (DOJ) or to a court or other tribunal when:

a. HHS or any of its components; or

b. any employee of HHS acting in the employee's official capacity; or

c. any employee of HHS acting in the employee's individual capacity where the DOJ or HHS has agreed to represent the employee; or

d. the United States Government, is a party to a proceeding or has an interest in such proceeding and the disclosure of such records is deemed by the agency to be relevant and necessary to the proceeding.

9. Records may be disclosed to a congressional office from the record of an individual in response to a written inquiry from the congressional office made at the written request of that individual.

10. Records may be disclosed to representatives of the National Archives and Records Administration during records management inspections conducted pursuant to 44 U.S.C. 2904 and 2906.

11. Records may be disclosed to appropriate agencies, entities, and persons when (1) HHS suspects or has confirmed that there has been a breach of the system of records, (2) HHS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HHS (including its information systems, programs, and operations), the federal government, or national security, and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

12. Records may be disclosed to another federal agency or federal entity, when HHS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the federal government, or national security, resulting from a suspected or confirmed breach.

13. Records may be disclosed to the U.S. Department of Homeland Security (DHS) if captured in an intrusion detection system used by HHS and DHS pursuant to a DHS cybersecurity program that monitors internet traffic to and from federal government computer networks to prevent a variety of types of cybersecurity incidents.

The disclosures authorized by publication of the above routine uses pursuant to 5 U.S.C. 552a(b)(3) are in addition to the following disclosures which HHS may make based on other authorizations:

• *Disclosures authorized by the subject individual's prior written consent pursuant to 5 U.S.C. 552a(b).* For example, another agency conducting a background investigation or assessment may request information from this system of records using the consent form that the subject individual signed.

• *Disclosures authorized directly in the Privacy Act at 5 U.S.C. 552a(b)(1), (2) and (b)(4)–(11).* For example, another agency conducting a law enforcement activity may request information from this system of records by making the request in accordance with 5 U.S.C. 552a(b)(7).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records will be stored in hard copy files and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records will be retrieved by an individual record subject's name, SSN, or PIV identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system of records are covered by National Archives and Records Administration General Records Schedule 5.6, items 230 and 240. Records determined to be associated with an insider threat or to have potential to be associated with an insider threat are destroyed 25 years after the date the threat was discovered, but a longer retention is authorized if required for business use. User attributable data collected to monitor user activities on a network to enable insider threat programs and activities to identify and evaluate anomalous activity, identify and assess misuse or exploitation, or support authorized inquiries and investigations, is destroyed five years after an inquiry was opened, but a longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Safeguards will conform to the HHS Information Security and Privacy Program, *http://www.hhs.gov/ocio/securityprivacy/index.html.* Information will be safeguarded in accordance with applicable laws, rules and policies, including the HHS Information Technology Security Program Handbook, all pertinent National Institutes of Standards and Technology (NIST) publications, and OMB Circular A–130, Managing Information as a Strategic Resource. Records will be protected from unauthorized access through appropriate administrative, physical, and technical safeguards. These safeguards include protecting the facilities where records are stored or accessed with security guards, badges and cameras; securing hard-copy records in locked file cabinets, file rooms or offices during off-duty hours; controlling access to physical locations where records are maintained and used by means of combination locks and identification badges issued only to authorized users; limiting access to electronic databases to authorized users based on roles and two-factor authentication (user ID and password), using a secured operating system protected by encryption, firewalls, and intrusion detection systems, requiring encryption for records stored on removable media, and training personnel in Privacy Act and information security requirements. Records that are eligible for destruction will be disposed of using secure destruction methods prescribed by NIST SP 800–88.

RECORD ACCESS PROCEDURES:

An individual seeking access to records about him or her in this system of records should submit an access request to the System Manager identified in the ''System Manager'' section of this SORN, and must follow the access procedures contained in the HHS Privacy Act regulations, 45 CFR part 5b (currently located in section 5b.5). The individual's right of access under the Privacy Act will be subject to the exemptions promulgated for this system of records. Records compiled in reasonable anticipation of a civil action or proceeding are excluded from the Privacy Act access requirement in all systems of records as provided in 5 U.S.C. 552a(d)(5).

CONTESTING RECORD PROCEDURES:

An individual seeking to amend a record about him or her in this system of records should submit an amendment request to the System Manager indicated in the ''System Manager'' section of this SORN, and must follow the correction/amendment procedures contained in the HHS Privacy Act regulations, 45 CFR part 5b (currently located in section 5b.7). The individual's right of amendment will be subject to the exemptions promulgated for this system of records.

NOTIFICATION PROCEDURES:

An individual who wishes to know if this system contains records about him or her should submit a notification request to the System Manager indicated in the ''System Manager'' section of this SORN, and must follow the notification procedures contained in the HHS Privacy Act regulations, 45 CFR part 5b (currently located in section 5b.5). The individual's right to notification will be subject to the exemptions promulgated for this system of records.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Upon completion of the Department's pending rulemaking (*i.e.,* when a Final Rule has been published in the **Federal Register** and has become effective based on the Notice of Proposed Rulemaking published elsewhere in today's **Federal Register**), this system of records will be exempt from access and other requirements of the Privacy Act, as follows:

• Material compiled in this system of records that is from another system of records in which such material was exempted from access and other requirements of the Privacy Act (the Act) based on 5 U.S.C. 552a(j)(2) will be exempt in this system of records on the same basis (5 U.S.C. 552a(j)(2)) and from the same requirements as in the source system. The requirements from which records described in 5 U.S.C. 552a(j)(2) are eligible to be exempted are: (c)(3)–(4); (d)(1)–(4); (e)(1)–(3), (e)(4)(G)–(I), (e)(5), (e)(8), (e)(12); (f); (g); and (h).

• All other law enforcement investigatory material in System No. 09–90–1701 will be exempt, based on 5 U.S.C. 552a(k)(2), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), (e)(4)(G)–(I), and (f) of the Act. However, if any individual is denied a right, privilege, or benefit to which the individual would otherwise be entitled by Federal law or for which the individual would otherwise be eligible, access will be granted, except to the extent that the disclosure would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality.

• Information in this system of records that is classified in the interest of national security will be exempt, based on 5 U.S.C. 552a(k)(1), from the requirements in subsections (c)(3), (d)(1)–(4), (e)(1), (e)(4)(G)–(I), and (f) of the Act.

HISTORY:

None.

Dated: June 29, 2018.

Michael Schmoyer,

Assistant Deputy Secretary for National Security.

[FR Doc. 2018–18290 Filed 8–22–18; 8:45 am]

BILLING CODE 4151–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Aspirin and Aging.

Date: October 11, 2018.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892.

Contact Person: Greg Bissonette, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–402–1622, *bissonettegb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 17, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–18174 Filed 8–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel Shared Instruments: NMR Spectrometers and X-ray Crystallography Equipment.

Date: September 20–21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301)–435–1722, *jollieda@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 17, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–18182 Filed 8–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; DMID Planning and Implementation of Investigator-Initiated Clinical Trials.

Date: September 17, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; PHS 2017–1 SBIR Phase II Topic 49.

Date: September 20, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5036, *poeky@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 16, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–18181 Filed 8–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Behavior and Social Science of Aging Review Committee, NIA–S.

Date: September 27–28, 2018.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD 20814.

Contact Person: Carmen, Ph.D. Moten, Scientific Review Officer, National Cancer Institute, 6116 Executive Blvd., Suite 602, MSC 8341, Rockville, MD 20852–8341, 301–496–8589, *cmoten@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 17, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–18177 Filed 8–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Improving Health and Healthcare of the Elderly.

Date: September 7, 2018.

Time: 9:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kimberly Firth, Ph.D., National Institutes of Health, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7702, *firthkm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 17, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–18183 Filed 8–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Treatment: Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA's) Center for Substance Abuse Treatment (CSAT) National Advisory Council will meet on September 7, 2018, in a closed virtual meeting.

The virtual meeting will include electronic discourse and evaluation of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public as determined by the SAMHSA Assistant Secretary for Mental Health and Substance Use in accordance with Title 5 U.S.C 552b(c)(4) and (6) and Title 5 U.S.C. App. 2, 10(d).

Meeting information and a roster of Council members may be obtained by accessing the SAMHSA Committee website at *http://www.samhsa.gov/about-us/advisory-councils/csat-national-advisory-council* or by contacting the CSAT National Advisory Council Designated Federal Officer; Tracy Goss (see contact information below).

Council Name: SAMHSA's Center for Substance Abuse Treatment National Advisory Council.

Date/Time/Type: September 7, 2018/CLOSED.

Place: SAMHSA, 5600 Fishers Lane, Rockville, Maryland 20857.

Contact: Tracy Goss, Designated Federal Officer, CSAT National Advisory Council, 5600 Fishers Lane, Rockville, Maryland 20857 (mail), Telephone: (240) 276–0759, Fax: (240) 276–2252, Email: *tracy.goss@samhsa.hhs.gov*.

Summer King,

Statistician, SAMHSA.

[FR Doc. 2018–18259 Filed 8–22–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0706]

Cook Inlet Regional Citizens' Advisory Council (CIRCAC) Recertification

AGENCY: Coast Guard, DHS.

ACTION: Notice of recertification.

SUMMARY: This notice informs the public that the Coast Guard has recertified the Cook Inlet Regional Citizens' Advisory Council (CIRCAC) as an alternative voluntary advisory group for Cook Inlet, Alaska. This certification allows the CIRCAC to monitor the activities of terminal facilities and crude oil tankers under an alternative composition, other than prescribed, Cook Inlet Program established by statue.

DATES: This recertification is effective for the period from September 1, 2018 through August 31, 2019.

FOR FURTHER INFORMATION CONTACT: LCDR Jonathan Dale, Seventeenth Coast Guard District (dpi), by phone at (907) 463–2812, email at *jonathan.dale@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background and Purpose

As part of the Oil Pollution Act of 1990, Congress passed the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 (the Act), 33 U.S.C. 2732, to foster a long-term partnership among industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals and oil tankers.

The President has delegated his authority under 33 U.S.C. 2732(o) respecting certification of advisory councils, or groups, subject to the Act to the Secretary of the Department of Homeland Security. Section 8(g) of Executive Order 12777, (56 FR 54757, October 22, 1991), as amended by section 34 of Executive Order 13286 (68 FR 10619, March 5, 2003). The Secretary redelegated that authority to the Commandant of the USCG. Department of Homeland Security Delegation No. 0170.1, paragraph 80 of section II. The Commandant redelegated that authority to the Chief, Office of Marine Safety, Security and Environmental Protection (G–M) on March 19, 1992 (letter #5402).

The Assistant Commandant for Marine Safety and Environmental Protection (G–M), redelegated recertification authority for advisory councils, or groups, to the Commander, Seventeenth Coast Guard District on February 26, 1999 (letter #16450).

On July 7, 1993, the USCG published a policy statement, ''Alternative Voluntary Advisory Groups, Prince William Sound and Cook Inlet'' (58 FR 36504), to clarify the factors considered in making the determination as to whether advisory councils, or groups, should be certified in accordance with the Act.

On September 16, 2002, the USCG published a policy statement, 67 FR 58440, which changed the recertification procedures such that applicants are required to provide the USCG with comprehensive information every three years (triennially). For each of the two years between the triennial application procedures, applicants submit a letter requesting recertification that includes a description of any substantive changes to the information provided at the previous triennial recertification. Further, public comment is only solicited during the triennial comprehensive review.

Recertification

By letter dated August 2, 2018, the Commander, Seventeenth Coast Guard District, certified that the CIRCAC qualifies as an alternative voluntary advisory group under 33 U.S.C. 2732(o). This recertification terminates on August 31, 2019.

Dated: August 2, 2018.

Matthew T. Bell, Jr.,

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

[FR Doc. 2018–18234 Filed 8–22–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–WSFR–2018–N088; 91400–5110–0000; 91400–9410–0000]

The Fiscal Year 2017 Multistate Conservation Grant Program Award List

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of priority list and publication of grant awards into the **Federal Register**.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the Fiscal Year (FY) 2017 priority list of grant awards for the wildlife and sport fish conservation projects from the Association of Fish and Wildlife Agencies (Association). As required by the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000, the Association submits a list of projects to us each year to consider for funding under the Multistate Conservation Grant Program. We have reviewed the list and recommended all for award to the Director. The Director approved the list of projects for award and we have awarded all projects from the list.

ADDRESSES: John C. Stremple, Multistate Conservation Grants Program Coordinator; Wildlife and Sport Fish Restoration Program; U.S. Fish and Wildlife Service; 5275 Leesburg Pike; MS: WSFR; Falls Church, VA 22041–3808.

FOR FURTHER INFORMATION CONTACT: John C. Stremple, (703) 358–2156 (phone) or *John_Stremple@fws.gov* (email).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000 (Improvement Act, Pub. L. 106–408) amended the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 *et seq.*) and the Dingell-Johnson Sport Fish Restoration

Act (16 U.S.C. 777 *et seq.*) and established the Multistate Conservation Grant Program. The Improvement Act authorizes us to award grants of up to $3 million annually from funds available under each of the restoration acts, for a total of up to $6 million annually. Projects can be funded from both funds, depending on the project activities. We may award grants to projects from a list of priority projects recommended to us by the Association. The Service Director, exercising the authority of the Secretary of the Interior, need not fund all projects on the list, but all projects funded must be on the list.

The Improvement Act provides that funding for Multistate grants is available in the year it is appropriated and for the following year. Total funding available for new FY 2017 Multistate Conservation grants was $2,522,000. This total was made up of funding that was carried over from FY 2016, added to the funding that was previously sequestered, and subtracted committed funds ($3,261,027) for FY 2017. Those committed funds were directed into the three components of the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (parts A and B).

Grantees under this program may use funds for sport fisheries and wildlife management and research projects, boating access development, hunter safety and education, aquatic education, fish and wildlife habitat improvements, and other purposes consistent with the enabling legislation.

To be eligible for funding, a project must benefit fish and/or wildlife conservation for at least 26 States, a majority of the States in any one Service Region, or one of the regional associations of State fish and wildlife agencies. We may award grants to a State, a group of States, or one or more nongovernmental organizations. For the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, we may award grants to the Service, if requested by the Association, or to a State or a group of States. Also, the Association requires all project proposals to address its National Conservation Needs, which the Association announces annually at the same time it requests proposals. Further, applicants must provide certification that no activities conducted under a Multistate Conservation Grant will promote or encourage opposition to regulated hunting or trapping of wildlife, or to regulated angling or taking of fish.

The Association committees and interested nongovernmental organizations that represent conservation organizations, sportsmen's and women's organizations, and industries that support or promote fishing, hunting, trapping, recreational shooting, bowhunting, or archery review and rank eligible project proposals. The Association's National Grants Committee recommends a final list of priority projects to the directors of the State fish and wildlife agencies for their approval by majority vote. By statute, the Association then transmits the final approved list to the Service for funding under the Multistate Conservation Grant program by October 1 of the fiscal year. For FY 2017, the Association sent us a list of 17 new projects, plus the three previously approved components of the 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation that they recommended for funding. The Director approved all projects on this list and all have been awarded. The list follows:

MULTISTATE CONSERVATION GRANT PROGRAM
[FY 2017 Projects]

ID	Title	Submitter	PR funding [1]	DJ funding [2]	Total 2017 grant
1	State Fish & Wildlife Agency Technical Workgroup for the 2016 National Survey.	AFWA	$51,040	$51,040	$102,080
2	State Fish and Wildlife Agency Coordination and Communication	AFWA	80,241	80,241	160,482
3	Coordination of Farm Bill Implementation	AFWA	76,510	76,510	153,020
4	Multistate Conservation Grant Program Coordination	AFWA	42,000	42,000	84,000
5	Management Assistance Team and the National Conservation Leadership Institute.	AFWA	270,376.63	270,376.63	540,753.26
6	State Fish & Wildlife Agency Director Travel-Enabling Coordination and Planning of National Level Conservation Initiatives.	AFWA	50,000	50,000	100,000
7	Increasing Awareness and Knowledge of Fish and Wildlife Management Through Legal Education that Instructs on the North American Model of Wildlife Conservation and the Public Trust.	AFWA	50,000	50,000	100,000
8	Preserve State Agencies' Authority to Manage Wildlife Resources and Promote Their Interest in the Implementation of International Treaties.	AFWA	33,600	33,600	67,200
9	Implementation of the National Hunting & Shooting Sports Action Plan	CAHSS	171,000	0	171,000
10	Telling the State Story to Ensure Fish and Wildlife Agency Relevancy	AFWA	42,600	42,600	85,200
11	Coordination of the Industry, Federal, and State Agency Coalition	AFWA	77,130	77,130	154,260
12	2017 National WSFR—Federal Aid Coordinators Meeting	WMI	94,874	94,874	189,748
13	Applying Wildlife Governance Principles to Enhance Leadership and Relevance of State Wildlife Agencies.	WMI	49,680	49,680	99,360
14	2017—Raising Awareness of the WSFR Program and Improving Industry Relations To Ensure the Long-term Stability of the Program.	WMI	86,864.50	86,864.50	173,729
15	Advancing the Objectives of the National Fish Habitat Action Plan through Regional and Collaborative Science and Priority Setting.	AFWA/NFHB	0	143,711.87	143,711.87
16	Quantifying and Communicating the Economic Significance of Hunting and Shooting Sports.	NSSF	98,000	0	98,000
17	Quantifying and Communicating the Economic Significance of Sportfishing.	ASA	0	99,200	99,200
NS	Coordination of the 2016 National Survey Efforts (part A)	FWS	131,560	131,560	263,120
NS	National Level Results for the 2016 Survey of Fishing, Hunting, and Wildlife-Associated Recreation (Part A).	FWS/U.S. Census Bureau	884,824	884,824	1,769,648
NS	2016 Fifty State Surveys Related to Fishing, Hunting, and Wildlife-Associated Recreation (Part B).	Rockville Intitute (Westat)	614,129.50	614,129.50	1,228,259
			2,904,429.63	2,878,341.50	5,782,771.13

[1] PR Funding: Pitman-Robertson Wildlife Restoration funds.
[2] DJ Funding: Dingell-Johnson Sport Fish Restoration funds.
AFWA: Association of Fish and Wildlife Agencies.

ATA: Archery Trade Association.
ASA: American Sportfishing Association.
CAHSS: Council to Advance Hunting and the Shooting Sports.
NFHB: National Fish Habitat Board.
NS: 2016 National Survey of Fishing, Hunting, and Wildlife- Associated Recreation.
NSSF: National Shooting Sports Foundation.
WMI: Wildlife Management Institute.

Dated: June 22, 2018.

James W. Kurth,

Deputy Director for U.S. Fish and Wildlife Service, Exercising the Authority of the Director for U.S. Fish and Wildlife Service.

[FR Doc. 2018–18235 Filed 8–22–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026149; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Brooklyn Museum, Brooklyn, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Brooklyn Museum has completed an inventory of associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Brooklyn Museum. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the Brooklyn Museum at the address in this notice by September 24, 2018.

ADDRESSES: Nancy Rosoff, Andrew W. Mellon Senior Curator, Arts of the Americas, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238, telephone (718) 501–6283, email *nancy.rosoff@brooklynmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Brooklyn Museum, Brooklyn, NY. The associated funerary objects were removed from Canyon del Muerto, Apache County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by the Brooklyn Museum professional staff in consultation with representatives of Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Consulted Tribes'').

History and Description of the Associated Funerary Objects

The associated funerary objects and the mummified remains of a man were removed from an unidentified site within Canyon del Muerto in Apache County, AZ, by Charles L. Day at an unknown date prior to April 1903. In April 1903, Brooklyn Museum curator Stewart Culin purchased the associated funerary objects and human remains from Day. Culin's catalog cards indicate that the associated funerary objects were found with the human remains. In 1907, the human remains were transferred to the Field Museum of Natural History, Chicago, IL. The human remains can be found in the Field Museum of Natural History's culturally unidentifiable inventory. The two associated funerary objects are one fragmented arrow shaft and one bow with cord.

The arrow fragments and bow are Ancestral Puebloan and date to the Pueblo I–III Periods (700–1300 C.E.). This determination was made by Susan Kennedy Zeller, former Associate Curator of Native American Art, on August 8, 1996, on the basis of parallel materials found within the archeological literature. Canyon del Muerto is located within the Western Ancestral Puebloan cultural area. Archeologically, this cultural area is characterized by a temporal shift from subterranean pit houses to above-ground masonry rooms surrounding plazas, rectangular kivas, and a wide variety of regionally distinct painted ceramics. Other archeological sites within Canyon del Muerto indicate sustained Ancestral Puebloan occupation from the late Basketmaker II through the Pueblo III Periods. After the start of the Pueblo III Period, around 1300 C.E., the archeological evidence suggests that much of the population living within Canyon del Muerto moved to other settlements.

The associated funerary objects were examined during consultations by representatives from The Tribes during 1996 and 1997, as part of the Brooklyn Museum's 1996 NAGPRA Grant.

The Colorado River Tribes of the Colorado River Reservation, Arizona and California are composed of four distinct tribes: the Mohave, Chemehuevi, Hopi, and Navajo. Evidence for a cultural affiliation between the Ancestral Puebloan occupants of Canyon del Muerto and the Colorado River Tribes of the Colorado River Reservation, Arizona and California includes similarities in material culture and architectural design, as well as archeological data and oral tradition. Canyon del Muerto lies within traditional Hopi territory, and Hopi oral tradition speaks of clan migrations through the Canyon de Chelly region, of which Canyon del Muerto is a part.

Evidence for cultural affiliation between the Ancestral Puebloan occupants of Canyon del Muerto and the Hopi Tribe of Arizona includes similarities in material culture and architectural design, as well as archeological data, geographic proximity, and oral tradition. The Hopi Tribe of Arizona considers all of Arizona to either lie within traditional Hopi territory or to be a territory through which Hopi clans migrated.

Evidence for cultural affiliation between the Ancestral Puebloan occupants of Canyon del Muerto and the Navajo Nation, Arizona, New Mexico & Utah, includes expert opinion and

geographic proximity. Canyon del Muerto lies within the aboriginal lands of the Navajo Nation, as established by the Indian Claims Commission. Navajo consultants in 1997 did not specifically comment on the cultural affiliation of the associated funerary objects. However, the Navajo Nation maintains that it is affiliated with material and human remains from Canyon de Chelly.

Evidence for cultural affiliation between the Ancestral Puebloan occupants of Canyon del Muerto and the Pueblo of Acoma includes similarities in material culture and architectural design, expert opinion, and oral tradition. The Pueblo of Acoma asserts a cultural affiliation with archeological sites within the Four Corners area. During a 1997 consultation visit to the Brooklyn Museum, Pueblo of Acoma representatives stated that they consider Puebloan archeological material from Canyon del Muerto to be ancestral to them.

Evidence for cultural affiliation between the Ancestral Puebloan occupants of Canyon del Muerto and the Zuni Tribe of the Zuni Reservation includes similarities in material culture and architectural design, expert opinion, geographic proximity, and oral tradition. Zuni Tribe representatives explained during a 1996 consultation that they do not distinguish between their Ancestral Puebloan ancestors and themselves, and referred to both the earlier and present-day groups as Zuni.

Determinations Made by the Brooklyn Museum

Officials of the Brooklyn Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American associated funerary objects and the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California; Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Nancy Rosoff, Andrew W. Mellon Senior Curator, Arts of the Americas, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238, telephone (718) 501–6283, email *nancy.rosoff@brooklynmuseum.org,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to The Tribes may proceed.

The Brooklyn Museum is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 30, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18203 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026150; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Brooklyn Museum, Brooklyn, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Brooklyn Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Brooklyn Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Brooklyn Museum at the address in this notice by September 24, 2018.

ADDRESSES: Nancy Rosoff, Andrew W. Mellon Senior Curator, Arts of the Americas, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238, telephone (718) 501–6283, email *nancy.rosoff@brooklynmuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Brooklyn Museum, Brooklyn, NY. The human remains and associated funerary objects were removed from Sentinel Ruin, Canyon del Muerto, Apache County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Brooklyn Museum professional staff in consultation with representatives of Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California; Fort McDowell Yavapai Nation, Arizona; Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico and Utah; Pueblo of Acoma, New Mexico; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and Zuni Tribe of the Zuni Reservation, New Mexico, hereafter referred to as ''The Consulted Tribes.''

The Southern Paiute Consortium—composed of Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; and Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)—was also consulted at this time, but representatives only viewed ethnographic objects and did not view or offer comments on the human

remains and associated funerary objects listed in this Notice.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from Sentinel Ruin, Canyon del Muerto, Apache County, AZ. No known individuals were identified. The human remains are one mummified body of a child. The one associated funerary object is a turkey feather blanket wrapped around the human remains.

The human remains and associated funerary object were removed by Charles L. Day at an unknown date. The Day family owned a trading post in Chinle, AZ, where Day worked prior to being appointed custodian of Canyon de Chelly in 1903 or 1904. Brooklyn Museum curator Stewart Culin purchased the human remains and associated funerary object from Day at some point between 1903 and 1911—most likely in 1903—as part of a large purchase of ''cliff dweller'' objects and human remains.

The human remains are not cataloged, so their provenience has been established through careful consideration of Brooklyn Museum records, and discussions with staff at other institutions and The Consulted Tribes. The Brooklyn Museum has determined with near certainty that the human remains are those documented in Culin's catalog as number 10934, the ''body of a child'' removed from Sentinel Ruin. The Brooklyn Museum has had mummies from the Canyon de Chelly region and Peru in its collection. These mummies, including the human remains described in this Notice, were supposed to have been transferred to the American Museum of Natural History in 1956. However, for reasons unknown, it appears that the child's mummy never left the Brooklyn Museum.

Non-intrusive examination and expert opinion have shown with near certainty that the human remains were removed from Sentinel Ruin in Canyon del Muerto. In 1991, responding to photos of the human remains, American Museum of Natural History staff stated that the human remains do not resemble Peruvian mummies, and that the cords used to weave the shroud are more typical of American Southwestern styles than Peruvian ones. In November 1996, a Brooklyn Museum conservator examined the human remains and determined that the woven shroud was made from vegetable stem or bast fibers, possibly jute or sisal, onto which feathers were woven. In 1997, feathers from the shroud were examined by Roxie C. Laybourne at the National Museum of Natural History. She determined that the feathers came from a turkey (*Meleagris gallopavo*). The range of turkeys does not extend south of Mexico, eliminating any possibility that the human remains were removed from a site in Peru. Through consideration of the above evidence, the Brooklyn Museum has determined that the human remains were removed from Sentinel Ruin in Canyon de Chelly.

The associated funerary object is one turkey feather blanket used as a shroud. Turkey feather and rabbit fur blankets are frequently found in Ancestral Puebloan graves from Basketmaker II on, particularly the graves of children. Although there is some overlap, fur blankets generally predate feather blankets. Many human remains removed from Canyon del Muerto and Canyon de Chelly were found in association with fur or feather blankets, which were used as shrouds. For example, a 1929 excavation of a Basketmaker II site in Canyon del Muerto, by Earl Morris of the American Museum of Natural History disturbed the grave of an individual who had been buried in a turkey feather blanket. The presence of the feather blanket and documented usage of the Sentinel Ruin site indicates that the human remains are Ancestral Puebloan, dating between Basketmaker II and Pueblo III (100 B.C.E.–1300 C.E.).

Sentinel Ruin (site number CDM155, also known as Tseahatso, Screen Cave, and Big Cave) is a multi-phase site located in the wall of Canyon del Muerto, 23m above the canyon floor and 155m below the canyon rim. The site shows use from Basketmaker II through Pueblo III, and in the 18th and 19th centuries. The Basketmaker II–III Periods are represented by numerous slab-lined cists, many of which contained burials. Pole and mud structures are thought to date to between Basketmaker III and Pueblo I, based upon comparison with similar structures in nearby Mummy Cave. Three masonry room blocks with turkey enclosures date to Pueblo II–III. A layer of sheep dung represents 18th and 19th century Navajo use of the site. All burials containing datable material date from Basketmaker II to Pueblo III. During excavations at the site by the University of Colorado Museum in 1924, numerous child burials were disturbed. Many of these individuals were buried with rabbit fur or turkey feather blankets in a manner similar to the human remains described in this notice.

None of The Consulted Tribes viewed the human remains during consultations due to religious and personal reasons. Instead, photographs of the human remains were provided either during consultation or as a follow-up to consultations.

Colorado River Tribes of the Colorado River Reservation, Arizona and California, representatives examined photos of the human remains but did not make any statements.

The Hopi Tribe of Arizona representatives did not make any comments regarding the cultural affiliation of the human remains. At their request, photographs of the human remains were sent to the Hopi Tribe Cultural Preservation Office.

Navajo Nation representatives did not address the cultural affiliation of the human remains during their consultation. At their request, photographs of the human remains were sent to Rena Martin at the Navajo Nation Preservation Department. In a letter from October 1997, Martin stated that the human remains ''are culturally affiliated with the Navajo people and are the sole responsibility of the Navajo Nation.''

Pueblo of Acoma representatives examined photos of the human remains, but were unsure of cultural affiliation. They stated that the human remains were probably Ancestral Puebloan, though not from Acoma.

Ute Indian Tribe of the Uintah and Ouray Reservation representatives examined photos of the human remains and stated that the tribe encourages reburial of human remains at their place of origin, regardless of cultural affiliation. They made no other comments regarding the cultural affiliation of the human remains.

Zuni Tribe of the Zuni Reservation representatives examined photos of the human remains and stated that they consider the prehistoric populations of the Southwest to be ancestral to all Pueblo groups, and that the tribe supports reburial of human remains at their place of origin.

Evidence for cultural affiliation of the human remains and associated funerary object with the Colorado River Tribes of the Colorado River Reservation, Arizona and California includes archeological data, expert opinion, and oral tradition. The Colorado River Tribes of the Colorado River Reservation, Arizona and California are composed of four distinct tribes: The Mohave, Chemehuevi, Hopi, and Navajo. Sentinel Ruin is located within traditional Hopi territory and Hopi oral tradition discusses clan migrations through the Canyon de Chelly region.

Evidence for cultural affiliation of the human remains and associated funerary object with the Hopi Tribe of Arizona

includes archeological data, expert opinion, geographic proximity, and oral tradition. The Hopi Tribe of Arizona considers all of Arizona to be within traditional Hopi territory or territory through which Hopi clans have migrated. During a repatriation visit to the Brooklyn Museum in 2007, representatives from the Hopi Tribe of Arizona stated that they consider all Canyon de Chelly archeological material in the museum's collection to be ancestral to them.

Evidence for cultural affiliation of the human remains and associated funerary object with the Navajo Nation, Arizona, New Mexico & Utah includes expert opinion and geographic proximity. The Navajo Nation, Arizona, New Mexico & Utah claims cultural affiliation with and sole responsibility for all human remains from the Canyon de Chelly region.

Evidence for cultural affiliation of the human remains and associated funerary object with the Pueblo of Acoma includes expert opinion and oral tradition. The Pueblo of Acoma claims cultural affiliation with archeological sites within the Four Corners area. During their 1997 consultation visit to the Brooklyn Museum, the Pueblo of Acoma representatives stated that they consider Puebloan archeological material from Canyon del Muerto to be ancestral to them.

Evidence for cultural affiliation of the human remains and associated funerary object with the Zuni Tribe of the Zuni Reservation, New Mexico includes expert opinion, geographic proximity, and oral tradition. The Zuni Tribe of the Zuni Reservation, New Mexico considers prehistoric populations of the Southwest to be ancestral to all Pueblo group. During their 1996 consultation, the tribal representatives explained that they do not distinguish between their Ancestral Puebloan ancestors and themselves, and referred to both as Zuni.

Determinations Made by the Brooklyn Museum

Officials of the Brooklyn Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Colorado River Tribes of the Colorado River Reservation, Arizona and California; Hopi Tribe of Arizona; Navajo Nation, Arizona, New Mexico & Utah; Pueblo of Acoma; and Zuni Tribe of the Zuni Reservation, New Mexico, hereafter referred to as ''The Tribes.''

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Nancy Rosoff, Andrew W. Mellon Senior Curator, Arts of the Americas, Brooklyn Museum, 200 Eastern Parkway, Brooklyn, NY 11238, telephone (718) 501–6283, email *nancy.rosoff@brooklynmuseum.org,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The Brooklyn Museum is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: July 30, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18204 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026058; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The State Center Community College District—Fresno City College, Fresno, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Center Community College District—Fresno City College has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State Center Community College District—Fresno City College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State Center Community College District—Fresno City College at the address in this notice by September 24, 2018.

ADDRESSES: Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State Center Community College District—Fresno City College, Fresno, CA. The human remains and associated funerary objects were removed from Fresno, Kings or Madera County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the State Center Community College District—Fresno City College professional staff in consultation with representatives of the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa

Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

The California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada were contacted and invited to consult, but did not participate.

Two non-federally recognized groups, the Dunlap Band of Mono Indians and Traditional Choinumni Tribe, were consulted. One non-federally recognized group, the Wukchumni Tribe, was invited to consult, but did not participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

On February 12, 1976, human remains representing, at minimum, one individual were removed from a site identified as 2–12–76A, in Fresno, Kings, or Madera County, CA, by Fresno City College instructor Don Wren. The human remains are fragmentary and represent an adult of indeterminate sex. No known individuals were identified. The one associated funerary object is one lot of non-human bone.

Between the early 1960s and 2000, human remains representing, at minimum, one individual were removed from an unidentified site in Fresno, Kings, or Madera County, CA, by Fresno City College instructor Don Wren. The human remains are fragmentary and represent an individual of indeterminate age and sex. No known individual was identified. No associated funerary objects are present.

The archeological collections under the control of the State Center Community College District and housed in the Archeological Repository at Fresno City College derive from archeological fieldwork done by Wren from the early 1960s through 2000. Over the course of his archeological career, Wren documented over 1,500 archeological sites in Fresno, Madera, Tulare, Mariposa, and Kings Counties. All of the human remains that Wren collected from sites with known provenience were collected from Fresno, Kings, and Madera Counties. In January 2017, during an examination of the faunal collections for the presence of human remains, the human remains described in this inventory were discovered.

Determinations Made by the State Center Community College District—Fresno City College

Officials of The State Center Community College District—Fresno City College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington

Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada may proceed.

The State Center Community College District—Fresno City College is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18197 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026059; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The State Center Community College District—Fresno City College, Fresno, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Center Community College District—Fresno City College has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State Center Community College District—Fresno City College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State Center Community College District—Fresno City College at the address in this notice by September 24, 2018.

ADDRESSES: Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State Center Community College District—Fresno City College, Fresno, CA. The human remains and associated funerary objects were removed from CA–MAD–1785, Madera County, CA, and CA–MAD–1788, Madera County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the State Center Community College District—Fresno City College professional staff in consultation with representatives of the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

The California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada were contacted and invited to consult, but did not participate.

Two non-federally recognized groups, the Dunlap Band of Mono Indians and Traditional Choinumni Tribe, were consulted. One non-federally recognized group, the Wukchumni Tribe, was invited to consult, but did not participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

In the early 1990s, human remains representing, at minimum, one individual were removed from site CA–MAD–1785, in Madera County, CA. The human remains represent one adult of indeterminate sex, represented by four fragments. No known individuals were identified. The 12 associated funerary objects are: one lot of steatite sherds, six lots of steatite beads, and five lots of shell beads.

In the early 1990s, human remains representing, at minimum, one individual were removed from site CA–MAD–1788, in Madera County, CA. The human remains represent one sub-adult of indeterminate sex, represented by 14 fragments. No known individuals were identified. The five associated funerary objects are: one lot of shell fragments, one glass bead, one steatite bead, and two shell beads.

Fresno City College instructor Don Wren excavated both sites for the Deer Creek and Fine Gold Creek Projects. In January 2017, an osteological examination of the faunal collections was conducted to determine if human remains were present. That examination resulted in the identification of the human remains described in this inventory.

Determinations Made by the State Center Community College District—Fresno City College

Officials of the State Center Community College District—Fresno City College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry based on archaeological context.
- Pursuant to 25 U.S.C. 3001(3)(A), the 17 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and both the Northfork Rancheria of Mono Indians of California and the Picayune Rancheria of Chukchansi Indians of California, based on geographic information and oral tradition.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Northfork Rancheria of Mono Indians of California and the Picayune Rancheria of Chukchansi Indians of California may proceed.

The State Center Community College District—Fresno City College is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18200 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026062; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Riverside Metropolitan Museum, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Riverside Metropolitan Museum has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Riverside Metropolitan Museum. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Riverside Metropolitan Museum at the address in this notice by September 24, 2018.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Riverside Metropolitan Museum, Riverside, CA. The human remains were removed from one of the Pueblos in New Mexico.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Riverside Metropolitan Museum professional staff in consultation with Kurt Dongoske, Historic Preservation Officer, Pueblo of Zuni and representative of the following Indian Tribes: Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from one of

the Pueblos in New Mexico. No known individuals were identified. No associated funerary objects are present.

It was determined through research of the Donor's records in the collections that the human remains are from New Mexico and are of Pueblo origin.

Determinations Made by the Riverside Metropolitan Museum

Officials of the Riverside Metropolitan Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Riverside Metropolitan Museum is responsible for notifying The Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18206 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026057]; [PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Indiana State Museum and Historic Sites Corporation, State of Indiana, Indianapolis, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Indiana State Museum and Historic Sites Corporation, State of Indiana (ISMHS) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the ISMHS. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the ISMHS at the address in this notice by September 24, 2018.

ADDRESSES: Michele Greenan, Indiana State Museum and Historic Sites Corporation, 650 West Washington Street, Indianapolis, IN 46214, telephone (317) 473–0836, email *mgreenan@indianamuseum.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the ISMHS, Indianapolis, IN. The human remains and associated funerary objects were removed from Prophetstown State Park, Tippecanoe County, IN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by staff at Indiana University-Purdue University Fort Wayne (IPFW) in consultation with the Peoria Tribe of Indians of Oklahoma, as requested by the Federal Highway Administration (FWHA). Additional consultation was conducted by FHWA and the Indiana Department of Transportation Environmental Services, Cultural Resources Office (INDOT–CRO) with representatives of the Delaware Nation, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Miami Tribe of Oklahoma; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; and the Shawnee Tribe.

Following transfer of the human remains to the ISMHS, additional invitations to consult were sent by letter from the ISMHS to the Absentee-Shawnee Tribe of Indians of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Ho-Chunk Nation of Wisconsin; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; and the Winnebago Tribe of Nebraska.

History and Description of the Remains

On July 7, 2010, human remains representing, at minimum, one individual were removed from site 12T59/530 within Prophetstown State Park, in Tippecanoe County, IN, during archeological work conducted under Indiana Department of Historic Preservation and Archaeology (DHPA) plan 3513, permit 201022. This Phase 111 data recovery was prompted by a wetland and forest mitigation project associated with the SR 25 Hoosier Heartland Corridor (INDOT DES No. 0901664, formerly 9802920). The human remains were recovered from state-owned land.

Upon recovering the human remains, IPFW archeology staff contacted the Tippecanoe County Coroner, who determined that the remains were over 100 years old. Also notified was staff from Prophetstown State Park and the Indiana Department of Transportation

(INDOT), as well as Indiana State Archaeologist Dr. Rick Jones. FHWA notified the Peoria Tribe of Indians of Oklahoma by letter dated July 26, 2010, and the Miami Tribe of Oklahoma and Shawnee Tribe by letter dated November 16, 2010. In co-operation between the FHWA, INDOT, and archeologists from IPFW, the human remains were temporarily housed at IPFW while initial consultation proceeded with the tribes listed in this notice and INDOT. On December 5, 2013, the human remains were transferred from IPFW to the ISMHS.

Upon consultation with the Peoria Tribe of Indians of Oklahoma, the human remains were inventoried and an osteological analysis by staff at IPFW was conducted. Staff identified the human remains as belonging to a single individual, approximately 18–24 months of age at death. Analyses also indicated no apparent pathologies apparent or evidence of pre- or peri-mortem skeletal trauma. Given the incomplete nature of the human remains (only a portion of the upper body is present) as well as the age of the individual, sex or stature could not be determined. No known individuals were identified. The one associated funerary object is a pipe made of green stone that appears to mimic the bowls found on 18th century metal tomahawk pipes. The pipe bowl is shaped like the more common kaolin clay pipes and is similar to examples recovered from the Wea village near Ouiatenon.

Determinations Made by the Indiana State Museum and Historic Sites

Officials of the ISMHS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on analysis of the physical remains and the archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary object and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; and Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas).
- Other authoritative governmental sources identify the removal location of the human remains as the aboriginal land of Absentee-Shawnee Tribe of Indians of Oklahoma; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Ho-Chunk Nation of Wisconsin; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Ottawa Tribe of Oklahoma; Shawnee Tribe; and the Winnebago Tribe of Nebraska.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be the Absentee-Shawnee Tribe of Indians of Oklahoma; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Ho-Chunk Nation of Wisconsin; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Shawnee Tribe Nation of Oklahoma; and Winnebago Tribe of Nebraska (hereafter, ''The Tribes'').

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Michele Greenan, Indiana State Museum and Historic Sites Corporation, 650 West Washington Street, Indianapolis, IN 46214, telephone (317) 473–0836, email *mgreenan@indianamuseum.org,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The ISMHS is responsible for notifying The Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18198 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026061; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado, formerly Colorado Historical Society, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian

organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by September 24, 2018.

ADDRESSES: Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. The human remains were removed from La Plata County and Montezuma County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Hopi Tribe of Arizona; Kiowa Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Jemez, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Zia, New Mexico; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah); Ysleta del Sur Pueblo (previously listed as the Ysleta Del Sur Pueblo of Texas); and Zuni Tribe of the Zuni Reservation, New Mexico.

The Apache Tribe of Oklahoma; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Taos, New Mexico; and Pueblo of Tesuque, New Mexico were invited to consult, but did not participate. Hereafter, all tribes listed above are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In the 1930s, human remains representing, at minimum, two individuals were removed from private property in La Plata County, CO, by a private citizen. In the 1960s, the human remains were given to another family member, who mailed them to the Office of the State Archeologist in June 2017. The La Plata County Coroner ruled out a forensic interest in the human remains. The human remains are identified as Office of Archeology and Historic Preservation (OAHP) Case Number 324. Osteological analysis by Dr. Christine Pink of Metropolitan State University of Denver—Human Identification Laboratory indicates that the human remains are likely of Native American ancestry and archeological. No known individuals were identified. No associated funerary objects are present.

About forty years ago, human remains representing, at minimum, two individuals were removed from private property in Montezuma County, CO, by a private citizen. In October 2017, she turned them over to the Mesa County Coroner, who, with the Montezuma County Coroner, ruled out a forensic interest. In December 2017, the human remains were transferred to the Office of the State Archeologist (OSAC), where they are identified as Office of Archeology and Historic Preservation (OAHP) Case Number 327. Osteological analysis by Dr. Christine Pink of Metropolitan State University of Denver—Human Identification Laboratory indicates that the human remains are likely of Native American ancestry and archeological. No known individuals were identified. No associated funerary objects are present.

History Colorado, in partnership with the Colorado Commission of Indian Affairs, Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah), conducted tribal consultations among the tribes with ancestral ties to the State of Colorado to develop the process for disposition of culturally unidentifiable Native American human remains and associated funerary objects originating from inadvertent discoveries on Colorado State and private lands. That consultation led to the drafting of the ''Process for Consultation, Transfer, and Reburial of Culturally Unidentifiable Native American Human Remains and Associated Funerary Objects Originating From Inadvertent Discoveries on Colorado State and Private Lands'' (2008, unpublished, on file with the Colorado Office of Archaeology and Historic Preservation). The tribes consulted on the human remains in this notice are those who have expressed their wishes to be notified of discoveries in the Southwest Consultation Region as established by the ''Process.''

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. On November 3–4, 2006, the ''Process'' was presented to the Review Committee for consideration. A January 8, 2007, letter on behalf of the Review Committee from the Designated Federal Officer transmitted the provisional authorization to proceed with the ''Process'' upon receipt of formal responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma, subject to forthcoming conditions imposed by the Secretary of the Interior. On May 15–16, 2008, the responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma were submitted to the Review Committee. On September 23, 2008, the Assistant Secretary for Fish and Wildlife and Parks, as the designee for the Secretary of the Interior, authorized the disposition of culturally unidentifiable human remains according to the ''Process'' and NAGPRA, contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

43 CFR 10.11 was promulgated on March 15, 2010, to provide a process for the disposition of culturally unidentifiable Native American human remains recovered from tribal or aboriginal lands as established by the final judgment of the Indian Claims Commission or U.S. Court of Claims, a

treaty, Act of Congress, or Executive Order, or other authoritative governmental sources. As there is no evidence indicating that the human remains reported in this notice originated from tribal or aboriginal lands, they are eligible for disposition under the ''Process.''

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological evidence.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(2)(ii), the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah).

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah) may proceed.

History Colorado is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18202 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026073; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Florida Department of State, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Florida Department of State has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Florida Department of State. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Florida Department of State at the address in this notice by September 24, 2018.

ADDRESSES: Kathryn Miyar, Florida Department of State, Mission San Luis Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, telephone (850) 245–6301, email *kathryn.miyar@dos.myflorida.com.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Florida Department of State, Tallahassee, FL. The human remains were removed from an unknown location.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the remains was made by the Florida Department of State professional staff in consultation with representatives of Alabama-Coushatta Tribe of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and Thlopthlocco Tribal Town. Two non-federally recognized Indian groups, the Florida Tribe of Eastern Creek Indians and the Original Miccosukee Simanolee Nation of Aboriginal People were also consulted.

History and Description of the Remains

A braided lock of hair belonging to Osceola, an advisor to the principal chief of the Seminole and leader of Seminole resistance during the Second Seminole War (89M.041.004), in the collection of the Florida Department of State, was donated by one of the descendants of Dr. Frederick Weedon. Weedon, who was a medical doctor under contract to the Army, treated Osceola during his captivity at Ft. Marion and later at Ft. Moultrie (1837–1838). Before he died, Osceola had given a few personal effects to Dr. Weedon, but the braided lock of hair is presumed to have been taken after death. Osceola's postcranial remains were buried at Ft. Moultrie in 1838; however, his head was retained by Dr. Weedon. It is believed that, later, the head was housed at the Surgical and Pathological Museum in New York City, and was lost in the fire that destroyed the museum in 1866.

A lock of Osceola's hair remained with the Weedon family from 1838 until its donation to the Florida Department of State in 1989. Taking a lock of a descendant's hair for a keepsake was a popular western custom in the 1800s. The hair is in a braided plait that is 5¾″ long, and consists of approximately seven strands of hair. Presumably, it had been plaited by a Weedon family member sometime after its acquisition.

Determinations Made by the Florida Department of State

Officials of the Florida Department of State have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Alabama-Coushatta Tribes of Texas (previously listed as Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Kialegee Tribal Town; Miccosukee Tribe of Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and Thlopthlocco Tribal Town (hereafter, ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Kathryn Miyar, Florida Department of State, Mission San Luis Collections, 2100 West Tennessee Street, Tallahassee, FL 32304, telephone (850) 245–6301, email *kathryn.miyar@dos.myflorida.com,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The Florida Department of State is responsible for notifying The Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18199 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026063; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Riverside Metropolitan Museum, Riverside, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Riverside Metropolitan Museum, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Riverside Metropolitan Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Riverside Metropolitan Museum at the address in this notice by September 24, 2018.

ADDRESSES: Robyn G. Peterson, Ph.D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Riverside Metropolitan Museum, Riverside, CA, that meets the definition of sacred object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

At an unknown date, one cultural item was removed from San Juan Pueblo, New Mexico. The sacred object was associated with John Trujillo, San Juan Pueblo. The donor gave the cultural item to the Riverside Metropolitan Museum, Riverside, CA on May 23, 1985. The sacred object is a prayer stick.

Written in orange ink on the plain hand end of the carved wood prayer stick is ''John Trujillo/San Juan Pueblo''.

Determinations Made by the Riverside Metropolitan Museum

Officials of the Riverside Metropolitan Museum have determined that:

• Pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as ''The Tribes'').

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Robyn G. Peterson, Ph. D., Museum Director, Riverside Metropolitan Museum, 3580 Mission Inn Avenue, Riverside, CA 92501, telephone (951) 826–5792, email *rpeterson@riversideca.gov,* by September 24, 2018. After that date, if no additional claimants have come forward, transfer of control of the sacred object to The Tribes may proceed.

The Riverside Metropolitan Museum is responsible for notifying The Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18205 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0026060; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The State Center Community College District—Fresno City College, Fresno, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The State Center Community College District—Fresno City College has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the State Center Community College District—Fresno City College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the State Center Community College District—Fresno City College at the address in this notice by September 24, 2018.

ADDRESSES: Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the State Center Community College District—Fresno City College, Fresno, CA. The human remains and associated funerary objects were removed from the Hanse site, Kings County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the State Center Community College District—Fresno City College professional staff in consultation with representatives of the Big Sandy Rancheria of Western Mono Indians of California (previously listed as the Big Sandy Rancheria of Mono Indians of California); Buena Vista Rancheria of Me-Wuk Indians of California; Cold Springs Rancheria of Mono Indians of California; Middletown Rancheria of Pomo Indians of California; Northfork Rancheria of Mono Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Table Mountain Rancheria (previously listed as the Table Mountain Rancheria of California); Tejon Indian Tribe; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

The California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; For McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Reservation, Nevada and Oregon; Ione Band of Miwok Indians of California; Jackson Band of Miwuk Indians (previously listed as the Jackson Rancheria of Me-Wuk Indians of California); Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada, Walker River Paiute Tribe of the Walker River Reservation, Nevada; and Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada were contacted and invited to consult, but did not participate.

Two non-federally recognized groups, the Dunlap Band of Mono Indians and Traditional Choinumni Tribe, were consulted. One non-federally recognized group, the Wukchumni Tribe, was invited to consult, but did not participate. Hereafter, all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

In 1975, human remains representing, at minimum, three individuals were removed from the Hanse site in Kings County, CA. Fresno City College instructor Don Wren and his students (and possibly Dudley Varner of California State University, Fresno) were involved in a salvage excavation of at least 13 burials in response to vandalism at the site. In January 2017, an osteological examination of the faunal collections was conducted to determine if human remains were present. That examination resulted in the identification of the human remains described in this inventory. The human remains represent one adult of indeterminate sex, one sub-adult of indeterminate sex, and one sub-adult (neonatal) of indeterminate sex. The three individuals are represented by a total of 248 fragments. No known individuals were identified. The 75 associated funerary objects: are 57 lots of shell beads, one lot of bone beads, one lot of steatite beads, two lots of shell buttons, one lot of shell pendants, one lot of shell artifacts, three lots of shell fragments, two lots of steatite sherds, and seven lots of mixed materials.

Determinations Made by the State Center Community College District—Fresno City College

Officials of the State Center Community College District—Fresno City College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry, based on their archeological context.
- Pursuant to 25 U.S.C. 3001(3)(A), the 75 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, based on geographic information and oral tradition.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of

the request to Dr. Margaret Mericle, Fresno City College of The State Center Community College District, 1101 East University Avenue, Fresno, CA 93741, telephone (559) 442–8210, email *peg.mericle@fresnocitycollege.edu,* by September 24, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed.

The State Center Community College District—Fresno City College is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: July 17, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–18201 Filed 8–22–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–943 (Remand)]

Certain Wireless Headsets; Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation as to Respondent GN Netcom A/S Based on a Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 29) granting a joint motion to terminate the above-captioned remand investigation as to the last-remaining respondent, GN Netcom A/S d/b/a Jabra of Ballerup, Denmark (''GN''), based on a settlement agreement. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 13, 2015, based on a complaint filed by One-E-Way, Inc. of Pasadena, California (''One-E-Way''). 80 FR 1663 (Jan. 13, 2015). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 wireless headsets by reason of infringement of certain claims of U.S. Patent Nos. 7,865,258 (''the '258 patent'') and 8,131,391 (''the '391 patent''). *Id.* The notice of investigation named several respondents, including GN Netcom A/S d/b/a Jabra of Ballerup (''GN''), Denmark; BlueAnt Wireless Pty, Ltd. of Richmond, Australia and BlueAnt Wireless, Inc. of Chicago, Illinois (collectively, ''BlueAnt''); Creative Technology Ltd. of Singapore and Creative Labs, Inc. of Milpitas, California (collectively, ''Creative''); Sony Corporation of Tokyo, Japan, Sony Corporation of America of New York, New York, and Sony Electronics, Inc. of San Diego, California (collectively, ''Sony''). *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party to the investigation. *Id.* The Commission also previously terminated other respondents prior to the original termination of the investigation. *See* Notice (Apr. 20, 2015); Notice (June 11, 2015).

On September 21, 2015, the ALJ issued Order No. 17, granting Respondents' motion for summary determination that the asserted claims of the '258 and '391 patents are invalid as indefinite under 35 U.S.C. 112, ¶ 2 and terminated the investigation with a finding of no violation of section 337. Order No. 17 (Sept. 21, 2015). On May 12, 2016, the Commission affirmed the ID with modification. 81 FR 31257 (May 18, 2016). Thereafter, One-E-Way filed a notice of appeal in the U.S. Court of Appeals for the Federal Circuit (Appeal No. 2016–2105).

On June 12, 2017, the Court reversed the Commission's summary determination that the asserted claims are invalid as indefinite under § 112, ¶ 2 and remanded the investigation to the Commission for further proceedings. *One-E-Way, Inc.* v. *ITC,* 859 F.3d 1059 (Fed. Cir. 2017). On October 13, 2016, the Commission remanded the investigation to the ALJ for further proceedings consistent with the Court's decision. Order (Oct. 13, 2016). OUII is not participating in the remand proceedings. The Commission previously terminated Sony, Creative, and BlueAnt from the remand investigation. Order 24 (Feb. 26, 2018) (unreviewed Notice (Mar. 20, 2018)); Order No. 25 (June 26, 2018) (unreviewed Notice (July 17, 2018)); Order No. 28 (Aug. 1, 2018) (unreviewed Notice (Aug. 15, 2018)).

On August 2, 2018, One-E-Way and GN filed a joint motion to terminate the remand investigation as to GN based upon a settlement and license agreement. The motion was unopposed, and no responses to the motion were filed.

On August 6, 2018, the ALJ issued the subject ID pursuant to Commission Rule 210.21(b) (19 CFR 210.21(b)), granting the joint motion to terminate GN based on a settlement and license agreement. The ID finds that the settlement agreement is consistent with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). The ID also finds, pursuant to Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)), that the requested termination does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No petitions for review were filed.

The Commission has determined not to review the subject ID. As GN is the last remaining respondent, the termination of GN also terminates the remand investigation in its entirety.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 17, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–18154 Filed 8–22–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1012 (Consolidated Modification and Enforcement Proceeding)]

Certain Magnetic Data Storage Tapes and Cartridges Containing the Same Notice of Institution of Modification Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to institute a modification proceeding relating to the March 8, 2018 limited exclusion order and cease and desist orders issued in the above-referenced investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on July 1, 2016, based on a complaint filed by Fujifilm Corporation of Tokyo, Japan, and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, ''Fujifilm''). 81 FR 43243–44 (July 1, 2016). Pertinent to this action, the complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), in the sale for importation, importation, and sale within the United States after importation of certain magnetic data storage tapes and cartridges containing the same by reason of infringement of, *inter alia,* claims 1, 4–9, 11 and 14 of U.S. Patent No. 6,641,891 (''the '891 patent''). The Commission's Notice of Investigation named as respondents Sony Corporation of Tokyo, Japan, Sony Corporation of America of New York, New York, and Sony Electronics Inc. of San Diego, California (collectively, ''the Sony respondents''). The Office of Unfair Import Investigations (''OUII'') was also named as a party to the investigation.

On March 8, 2018, the Commission found a section 337 violation as to the '891 patent and issued a limited exclusion order (''LEO'') and cease and desist orders (''CDOs'') to each of the Sony respondents. 83 FR 11245–47 (March 14, 2018). The LEO generally prohibits the Sony respondents from importing certain magnetic data storage tapes and cartridges containing the same that infringe the '891 patent, with certain exceptions related to service and repair and verification testing. The CDOs prohibit the Sony respondents from importing, selling, marketing, advertising, distributing, transferring (except for exportation) certain magnetic data storage tapes and cartridges containing the same that infringe the '891 patent, and soliciting United States agents or distributors for these activities.

On May 9, 2018, Fujifilm filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate alleged violation of the CDOs by the Sony Respondents, as well as Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. (collectively, ''Sony''). On June 13, 2018, the Commission instituted the enforcement proceeding. 83 FR 27626–27 (June 13, 2018). OUII was also named as a party in the enforcement proceeding.

On July 23, 2018, Sony filed a request for an advisory opinion and a petition for modification of the remedial orders to clarify that certain of its redesigned tape products are outside the scope of the remedial orders. On August 2, 2018, Fujifilm filed a response, opposing both Sony's request and petition.

Having examined the request and petition, as well as the supporting documents, the Commission has determined to institute a modification proceeding, pursuant to Commission Rule 210.76(b) (19 CFR. 210.76(b)), to determine whether the LEO and CDOs issued in the underlying investigation should be modified to exclude certain of Sony's redesigned tape products. The Commission has further determined to delegate the modification proceeding to the presiding administrative law judge and to consolidate that proceeding with the ongoing enforcement proceeding.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 17, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–18155 Filed 8–22–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–471P]

Proposed Adjustments to the Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2018

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice with request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) proposes to adjust the 2018 aggregate production quotas for several controlled substances in schedules I and II of the Controlled Substances Act and assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: Interested persons may file written comments on this notice in accordance with 21 CFR 1303.13(c) and 1315.13(d). Electronic comments must be submitted, and written comments must be postmarked, on or before September 24, 2018. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

Based on comments received in response to this notice, the Administrator may hold a public hearing on one or more issues raised. In the event the Administrator decides in his sole discretion to hold such a hearing, the Administrator will publish a notice of any such hearing in the **Federal Register.** After consideration of any comments or objections, or after a hearing, if one is held, the Administrator will publish in the **Federal Register** a final order establishing the 2018 adjusted aggregate

production quotas for schedule I and II controlled substances, and an assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–471P'' on all correspondence, including any attachments. The Drug Enforcement Administration encourages that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Paper comments that duplicate electronic submissions are not necessary and are discouraged. Should you wish to mail a paper comment *in lieu* of an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Thomas D. Sonnen, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA) for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified and located as directed above will generally be made available in redacted form. If a comment contains so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document is available at *http://www.regulations.gov* for easy reference.

Legal Authority and Background

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substance listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the DEA pursuant to 28 CFR 0.100.

The DEA established the 2018 aggregate production quotas for substances in schedules I and II and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine on November 8, 2017 (82 FR 51873). That notice stipulated that, in accordance with 21 CFR 1303.13 and 1315.13, all aggregate production quotas and assessments of annual need are subject to adjustment.

Analysis for Proposed Adjusted 2018 Aggregate Production Quotas and Assessment of Annual Needs

The DEA proposes to adjust the established 2018 aggregate production quotas and assessment of annual needs for certain schedule I and II controlled substances, and the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, to be manufactured in the United States in 2018 to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. These quotas do not include imports of controlled substances for use in industrial processes.

In determining the proposed adjustment, the Acting Administrator has taken into account the criteria in accordance with 21 CFR 1303.13 (adjustment of aggregate production quotas for controlled substances) and 21 CFR 1315.13 (adjustment of the assessment of annual needs for ephedrine, pseudoephedrine, and phenylpropanolamine). The DEA determined whether to propose an adjustment of the aggregate production quotas and assessment of annual needs for 2018 by considering: (1) Changes in the demand for that class or chemical, changes in the national rate of net disposal of the class or chemical, and changes in the rate of net disposal of the class or chemical by registrants holding individual manufacturing quotas for the class; (2) whether any increased demand for that class or chemical, the national and/or individual rates of net disposal of that class or chemical are temporary, short term, or long term; (3) whether any increased demand for that class or chemical can be met through existing inventories, increased individual manufacturing quotas, or increased importation, without increasing the aggregate production quota; (4) whether any decreased demand for that class or chemical will result in excessive inventory accumulation by all persons registered to handle that class or chemical; and (5) other factors affecting medical, scientific, research, and industrial needs in the United States and lawful export requirements, as the Acting Administrator finds relevant. These quotas do not include imports of controlled substances for use in industrial processes.

The Acting Administrator also considered updated information obtained from 2017 year-end inventories, 2017 disposition data submitted by quota applicants,

estimates of the medical needs of the United States, product development, and other information made available to the DEA after the initial aggregate production quotas and assessment of annual needs had been established. Other factors the Acting Administrator considered in calculating the aggregate production quotas, but not the assessment of annual needs, include product development requirements of both bulk and finished dosage form manufacturers, and other pertinent information. In determining the proposed adjusted 2018 assessment of annual needs, the DEA used the calculation methodology previously described in the 2010 and 2011 established assessment of annual needs (74 FR 60294, Nov. 20, 2009, and 75 FR 79407, Dec. 20, 2010, respectively).

The Acting Administrator, therefore, proposes to adjust the 2018 aggregate production quotas for certain schedule I and II controlled substances and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, expressed in grams of anhydrous acid or base, as follows:

Basic class	Established 2018 quotas (g)	Proposed revised 2018 quotas (g)
Temporarily Scheduled Substances		
1-(4-Cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboximide	N/A	25.
1-(5-Fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3carboximide	N/A	25.
Cyclopropyl Fentanyl	N/A	20.
Fentanyl related substances	N/A	25.
Isobutyryl Fentanyl	N/A	25.
Methyl-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate	N/A	25.
N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide	N/A	25.
Naphthalen-1-yl 1-(5-fluorpentyl)-1H-indole-3-carboxylate	N/A	25.
Ocfentanil	N/A	25.
Para-flourobutyryl fentanyl	N/A	25.
Tetrahydrofuranyl fentanyl	N/A	5.
Valeryl fentanyl	N/A	25.
Schedule I		
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	Zero	20.
1-(1-Phenylcyclohexyl)pyrrolidine	10	15.
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	zero	10.
1-(5-Fluoropentyl)-3-(1-naphthoyl)indole (AM2201)	30	no change.
1-(5-Fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)	30	no change.
1-[1-(2-Thienyl)cyclohexyl]piperidine	15	no change.
1-Benzylpiperazine	25	no change.
1-Methyl-4-phenyl-4-propionoxypiperidine	2	10.
2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E)	30	no change.
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)	30	no change.
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)	30	no change.
2-(2,5-Dimethoxy-4-n-propylphenyl)ethanamine (2C-P)	30	no change.
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	30	no change.
2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36).	30	no change.
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)	30	no change.
2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82).	25	no change.
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)	30	no change.
2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5)	30	no change.
2,5-Dimethoxy-4-ethylamphetamine (DOET)	25	no change.
2,5-Dimethoxy-4-n-propylthiophenethylamine	25	no change.
2,5-Dimethoxyamphetamine	25	no change.
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)	30	no change.
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)	30	no change.
3,4,5-Trimethoxyamphetamine	30	no change.
3,4-Methylenedioxyamphetamine (MDA)	55	no change.
3,4-Methylenedioxymethamphetamine (MDMA)	50	no change.
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	40	no change.
3,4-Methylenedioxy-N-methylcathinone (methylone)	40	no change.
3,4-Methylenedioxypyrovalerone (MDPV)	35	no change.
3-FMC; 3-Fluoro-N-methylcathinone	25	no change.
3-Methylfentanyl	30	no change.
3-Methylthiofentanyl	30	no change.
4-Bromo-2,5-dimethoxyamphetamine (DOB)	30	no change.
4-Bromo-2,5-dimethoxyphenethylamine (2-CB)	25	no change.
4-Fluoroisobutyryl fentanyl	30	no change.
4-FMC; Flephedrone	25	no change.
4-MEC; 4-Methyl-N-ethylcathinone	25	no change.
4-Methoxyamphetamine	150	no change.
4-Methyl-2,5-dimethoxyamphetamine (DOM)	25	no change.
4-Methylaminorex	25	no change.

Basic class	Established 2018 quotas (g)	Proposed revised 2018 quotas (g)
4-Methyl-N-methylcathinone (mephedrone)	45	no change.
4-Methyl-α-pyrrolidinopropiophenone (4-MePPP)	25	no change.
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol	50	no change.
5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog)	40	no change.
5F-ADB; 5F-MDMB-PINACA (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30	no change.
5F-AMB (methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	30	no change.
5F-APINACA; 5F-AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	30	no change.
5-Fluoro-PB-22; 5F-PB-22	20	no change.
5-Fluoro-UR144, XLR11 ([1-(5-fluoro-pentyl)-1*H*-indol-	25	no change.
3-yl](2,2,3,3-tetramethylcyclopropyl)methanone		
5-Methoxy-3,4-methylenedioxyamphetamine	25	no change.
5-Methoxy-N,N-diisopropyltryptamine	25	no change.
5-Methoxy-N,N-dimethyltryptamine	25	no change.
AB-CHMINACA	30	no change.
AB-FUBINACA	50	no change.
AB-PINACA	30	no change.
ADB-FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	30	no change.
Acetyl Fentanyl	100	no change.
Acetyl-*alpha*-methylfentanyl	30	no change.
Acetyldihydrocodeine	30	no change.
Acetylmethadol	2	no change.
Acryl Fentanyl	25	no change.
ADB-PINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide)	50	no change.
AH-7921	30	no change.
Allylprodine	2	no change.
Alphacetylmethadol	2	no change.
alpha-Ethyltryptamine	25	no change.
Alphameprodine	2	no change.
Alphamethadol	2	no change.
alpha-Methylfentanyl	30	no change.
alpha-Methylthiofentanyl	30	no change.
alpha-Methyltryptamine (AMT)	25	no change.
alpha-Pyrrolidinobutiophenone (α-PBP)	25	no change.
alpha-Pyrrolidinopentiophenone (α-PVP)	25	no change.
Aminorex	25	no change.
APINCA, AKB48 (*N*-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide)	25	no change.
Benzylmorphine	30	no change.
Betacetylmethadol	2	no change.
beta-Hydroxy-3-methylfentanyl	30	no change.
beta-Hydroxyfentanyl	30	no change.
beta-Hydroxythiofentanyl	30	no change.
Betameprodine	2	no change.
Betamethadol	4	no change.
Betaprodine	2	no change.
Bufotenine	3	no change.
Butylone	25	no change.
Butyryl fentanyl	30	no change.
Cathinone	24	no change.
Codeine methylbromide	30	no change.
Codeine-N-oxide	192	no change.
Desomorphine	25	no change.
Diapromide	Zero	20.
Diethylthiambutene	Zero	20.
Diethyltryptamine	25	no change.
Difenoxin	8,225	no change.
Dihydromorphine	1,000,160	no change.
Dimethyltryptamine	35	50.
Dipipanone	5	no change.
Etorphine	30	no change.
Fenethylline	30	no change.
Furanyl fentanyl	30	no change.
gamma-Hydroxybutyric acid	37,130,000	no change.
Heroin	45	no change.
Hydromorphinol	40	no change.
Hydroxypethidine	2	no change.
Ibogaine	30	no change.
JWH-018 and AM678 (1-Pentyl-3-(1-naphthoyl)indole)	35	no change.
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole)	45	no change.
JWH-073 (1-Butyl-3-(1-naphthoyl)indole)	45	no change.
JWH-081 (1-Pentyl-3-[1-(4-methoxynaphthoyl)]indole)	30	no change.
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)	30	no change.

Basic class	Established 2018 quotas (g)	Proposed revised 2018 quotas (g)
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole)	35	no change.
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl)indole)	30	no change.
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl)indole)	30	no change.
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole)	30	no change.
Lysergic acid diethylamide (LSD)	40	no change.
MAB-CHMINACA; ADB-CHMINACA (*N*-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-carboxamide).	30	no change.
MDMB-CHMICA; MMB-CHMINACA(methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	30	no change.
MDMB-FUBINACA (methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	30	no change.
Marihuana	443,680	1,140,216.
Mecloqualone	30	no change.
Mescaline	25	no change.
Methaqualone	60	no change.
Methcathinone	25	no change.
Methyldesorphine	5	no change.
Methyldihydromorphine	2	no change.
Morphine methylbromide	5	no change.
Morphine methylsulfonate	5	no change.
Morphine-N-oxide	150	no change.
N,N-Dimethylamphetamine	25	no change.
Naphyrone	25	no change.
N-Ethyl-1-phenylcyclohexylamine	5	no change.
N-Ethyl-3-piperidyl benzilate	Zero	10.
N-Ethylamphetamine	24	no change.
N-Hydroxy-3,4-methylenedioxyamphetamine	24	no change.
Noracymethadol	2	no change.
Norlevorphanol	55	no change.
Normethadone	2	no change.
Normorphine	40	no change.
Para-fluorofentanyl	25	no change.
Parahexyl	5	no change.
PB-22; QUPIC	20	no change.
Pentedrone	25	no change.
Pentylone	25	no change.
Phenomorphan	2	no change.
Pholcodine	5	no change.
Psilocybin	30	no change.
Psilocyn	50	no change.
SR-18 and RCS-8 (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl)indole)	45	no change.
SR-19 and RCS-4 (1-Pentyl-3-[(4-methoxy)-benzoyl]indole)	30	no change.
Tetrahydrocannabinols	384,460	no change.
Thiofentanyl	25	no change.
THJ-2201 ([1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone)	30	no change.
Tilidine	25	no change.
Trimeperidine	2	no change.
UR-144 (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone	25	no change.
U-47700	30	no change.
Schedule II		
1-Phenylcyclohexylamine	4	15.
1-Piperidinocyclohexanecarbonitrile	4	25.
4-Anilino-N-phenethyl-4-piperidine (ANPP)	1,342,320	no change.
Alfentanil	6,200	no change.
Alphaprodine	2	no change.
Amobarbital	20,100	no change.
Amphetamine (for conversion)	11,280,000	12,700,000.
Amphetamine (for sale)	39,856,000	no change.
Anileridine	Zero	20.
Carfentanil	20	no change.
Cocaine	92,120	no change.
Codeine (for conversion)	15,040,000	12,900,000.
Codeine (for sale)	40,015,000	no change.
Dextropropoxyphene	35	no change.
Dihydrocodeine	264,140	no change.
Dihydroetorphine	2	no change.
Diphenoxylate (for conversion)	14,100	no change.
Diphenoxylate (for sale)	770,800	no change.
Ecgonine	88,134	no change.
Ethylmorphine	30	no change.

Basic class	Established 2018 quotas (g)	Proposed revised 2018 quotas (g)
Etorphine hydrochloride	32	no change.
Fentanyl	1,342,320	no change.
Glutethimide	2	no change.
Hydrocodone (for conversion)	114,680	no change.
Hydrocodone (for sale)	50,348,280	44,710,000.
Hydromorphone	4,547,720	no change.
Isomethadone	30	no change.
Levo-alphacetylmethadol (LAAM)	5	no change.
Levomethorphan	30	2,200.
Levorphanol	12,126	38,000.
Lisdexamfetamine	17,869,000	19,000,000.
Meperidine	2,717,540	1,913,148.
Meperidine Intermediate-A	5	30.
Meperidine Intermediate-B	30	no change.
Meperidine Intermediate-C	5	30.
Metazocine	15	no change.
Methadone (for sale)	22,278,000	no change.
Methadone Intermediate	24,064,000	no change.
Methamphetamine	1,446,754	no change.
[846,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product; 564,000 grams for methamphetamine mostly for conversion to a schedule III product; and 36,754 grams for methamphetamine (for sale)]		
Methylphenidate	64,600,000	no change.
Morphine (for conversion)	4,089,000	no change.
Morphine (for sale)	33,958,440	31,456,000.
Nabilone	31,000	62,000.
Noroxymorphone (for conversion)	14,044,540	16,440,000.
Noroxymorphone (for sale)	376,000	no change.
Opium (powder)	84,600	no change.
Opium (tincture)	564,000	no change.
Oripavine	24,534,000	no change.
Oxycodone (for conversion)	2,453,400	no change.
Oxycodone (for sale)	95,692,000	85,578,000.
Oxymorphone (for conversion)	20,962,000	no change.
Oxymorphone (for sale)	3,395,280	3,137,240.
Pentobarbital	25,850,000	no change.
Phenazocine	5	no change.
Phencyclidine	35	no change.
Phenmetrazine	25	no change.
Phenylacetone	40	no change.
Racemethorphan	5	no change.
Racemorphan	5	no change.
Remifentanil	2,820	3,000.
Secobarbital	161,682	172,100.
Sufentanil	1,880	no change.
Tapentadol	18,388,280	no change.
Thebaine	94,000,000	86,200,000.
List I Chemicals		
Ephedrine (for conversion)	47,000	no change.
Ephedrine (for sale)	4,136,000	no change.
Phenylpropanolamine (for conversion)	14,100,000	no change.
Phenylpropanolamine (for sale)	7,990,000	no change.
Pseudoephedrine (for conversion)	40	1,000.
Pseudoephedrine (for sale)	180,000,000	no change.

The Acting Administrator further proposes that aggregate production quotas for all other schedule I and II controlled substances included in 21 CFR 1308.11 and 1308.12 remain at zero. In accordance with 21 CFR 1303.13 and 21 CFR 1315.13, upon consideration of the relevant factors, the Acting Administrator may adjust the 2018 aggregate production quotas and assessment of annual needs as needed.

Conclusion

After consideration of any comments or objections, or after a hearing, if one is held, the Acting Administrator will issue and publish in the **Federal Register** a final order establishing any adjustment of 2018 aggregate production quotas for each basic class of controlled substances in schedules I and II and established assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine, 21 CFR 1303.13(c) and 1315.13(f).

Dated: August 17, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2018–18265 Filed 8–22–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration

ACTION: Notice of registration.

SUMMARY: Registrants listed below have applied for and been granted registration by the Drug Enforcement Administration (DEA) as importers of various classes of schedule I or II controlled substances.

SUPPLEMENTARY INFORMATION: The companies listed below applied to be registered as importers of various basic classes of controlled substances. Information on previously published notices is listed in the table below. No comments or objections were submitted and no requests for hearing were submitted for these notices.

Company	FR docket	Published
Fisher Clinical Services, Inc	83 FR 28663	June 20, 2018.
Unither Manufacturing LLC	83 FR 29136	June 22, 2018.

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of the listed registrants to import the applicable basic classes of schedule I or II controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated each company's maintenance of effective controls against diversion by inspecting and testing each company's physical security systems, verifying each company's compliance with state and local laws, and reviewing each company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the DEA has granted a registration as an importer for schedule I or II controlled substances to the above listed companies.

Dated: August 17, 2018.

John J. Martin,

Assistant Administrator.

[FR Doc. 2018–18266 Filed 8–22–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Greg N. Rampey, D.O.; Dismissal of Proceedings

On October 27, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Greg N. Rampey, D.O. (Registrant), of Tulsa, Oklahoma. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration No. BR7006085 on the ground that he has ''no state authority to handle controlled substances'' in the State of Oklahoma, the State in which he is registered with the DEA. Order to Show Cause, Government Exhibit (GX) 2, at 1, 2 (citing 21 U.S.C. 824(a)(3)). For the same reason, the Order also proposed the denial of any of Registrant's ''applications for renewal or modification of such registration and any applications for any other DEA registrations.'' *Id.* at 1.

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Registrant is the holder of Certificate of Registration No. BR7006085, pursuant to which he is authorized to dispense controlled substances as a practitioner in schedules II through V, at the registered address of 8596 E. 101st, Ste. B, Tulsa, Oklahoma. *Id.* The Order also alleged that this registration does not expire until April 30, 2018. *Id.*

As the substantive ground for the proceeding, the Show Cause Order alleged that ''on September 21, 2017, the Oklahoma State Board of Osteopathic Examiners cancelled [Registrant's] osteopathic medical license'' and his ''Oklahoma Bureau of Narcotics and Dangerous Drugs registration is inactive.'' *Id.* at 1–2. The Show Cause Order thus alleged that Registrant is ''currently without authority to practice medicine or handle controlled substances in the State of Oklahoma, the [S]tate in which [he is] registered with the DEA,'' and that, as a consequence, ''DEA must revoke'' his registration. *Id.* at 2.

The Show Cause Order notified Registrant of (1) his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, (2) the procedure for electing either option, and (3) the consequence for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Order also notified Registrant of his right to submit a corrective action plan. *Id.* at 2–3 (citing 21 U.S.C. 824(c)(2)(C)).

According to an Affidavit of Service filed in this matter, on October 30, 2017, personnel from DEA's Office of Chief Counsel, Diversion and Regulatory Litigation Section, attempted to serve the Show Cause Order on the Registrant by regular first class mail addressed to the Registrant at his registered address. GX 6. The Government represents that its mailing was not returned as undeliverable. *Id.* On January 10, 2018, the Government submitted a Request for Final Agency Action (RFAA) representing that Registrant did not request a hearing and ''ha[d] not filed any written statement in lieu of a hearing'' within 30 days of service and seeking a final order revoking his registration. GX 7, at 2.

On February 6, 2018, the then-Acting Administrator issued an Order noting that the Government's effort at service in this case was ''a departure from the Agency's traditional practice.'' GX 8. The Order further noted that ''the Government cites to no authority establishing that a sole effort of mailing by first class mail (with no evidence of delivery to the address) is sufficient to provide constitutionally adequate service for initiating a proceeding under the Due Process Clause.'' *Id.* As a result, the then-Acting Administrator directed the Government to either address why its effort was consistent with the Due Process Clause or to engage in additional reasonable efforts to serve Registrant. *Id.*

On March 29, 2018, my office received the Government's Second Request for Final Agency Action (SRFAA) describing a Diversion Investigator's additional attempts to serve the Show Cause Order and again seeking a final order revoking Registrant's registration. SRFAA, at 2.

The Government also submitted a Certification of Registration History, which was sworn to on December 19, 2017. GX 1, at 3. In that Certification, the Associate Chief of the Registration and Program Support Section stated that DEA Registration No. BR7006085 ''expires on April 30, 2018.'' *Id.* at 1–2. The Associate Chief further stated that ''Gre[g] N. Rampey, M.D., has no other pending or valid DEA registration(s) in Oklahoma.'' *Id.* at 3. Pursuant to 5 U.S.C. 556(e), I take official notice of Registrant's registration record with the Agency. *See also* 21 CFR 1316.59(e).[1] According to that record, DEA Registration No. BR7006085 expired on April 30, 2018, and Registrant has not filed an application, whether timely or not, to renew his registration or for any other registration in the State of Oklahoma.[2]

DEA has long held that '' 'if a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke.' '' *Donald Brooks Reece II, M.D.,* 77 FR 35054, 35055 (2012) (quoting *Ronald J. Riegel,* 63 FR 67312, 67133 (1998)); *see also Thomas E. Mitchell,* 76 FR 20032, 20033 (2011). ''Moreover, in the absence of an application (whether timely filed or not), there is nothing to act upon.'' *Reece,* 77 FR at 35055. Accordingly, because Registrant has allowed his registration to expire and has not filed any application for registration in Oklahoma, this case is now moot and will be dismissed.

Order

Pursuant to the authority vested in me by 21 U.S.C. 824(a), as well as 28 CFR 0.100(b), I order that the Order to Show Cause issued to Greg N. Rampey, D.O., be, and it hereby is, dismissed. This Order is effective immediately.

Dated: August 14, 2018.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2018–18267 Filed 8–22–18; 8:45 am]

BILLING CODE 4410–09–P

[1] Under the Administrative Procedure Act (APA), an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' U.S. Dept. of Justice, *Attorney General's Manual on the Administrative Procedure Act* 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). In accordance with the APA and DEA's regulations, Registrant is ''entitled on timely request to an opportunity to show to the contrary.'' 5 U.S.C. 556(e); *see also* 21 CFR 1316.59(e). To allow Registrant the opportunity to refute the facts of which I take official notice, Registrant may file a motion for reconsideration within 15 calendar days of service of this order which shall commence on the date this order is mailed.

[2] As already noted, my office received the Government's Second Request for Final Agency Action on March 29, 2018. This filing arrived in my office too late for me to issue a final decision and order before the registration would expire on April 30, 2018. DEA regulation 21 CFR 1316.67 requires that I issue a final order that takes effect not less than 30 days from the date of publication in the **Federal Register** unless the public interest necessitates an earlier effective date. The record before me fails to include facts supporting a finding that ''the public interest in the matter necessitates an earlier effective date.'' 21 CFR 1316.67. Thus, even if I had submitted a final order in this case to the **Federal Register** on the same day (March 29, 2018) that my office received the SRFAA to revoke Registrant's registration, I could not have issued an order that would have taken effect by April 30, 2018 because the **Federal Register** would not have been able to publish it 30 days before the registration's April 30, 2018 expiration—*i.e.,* by Saturday, March 31, 2018. And as the Agency has previously noted, there is no point in issuing a ruling on a Show Cause Order where, as here, that ruling would constitute an advisory opinion subject to vacation on judicial review. *See, e.g., Josip Pasic, M.D.,* 82 FR 24146, 24147 (2017) (''As the requested factual findings and legal conclusions would be subject to vacation on judicial review, there is no point in making them.'').

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed First Amendment of Consent Decree Under the Clean Air Act

On August 15, 2018, the Department of Justice lodged a proposed First Amendment of Consent Decree (''First Amendment'') with the United States District Court for the District of Nevada in the lawsuit entitled *United States* v. *Nevada Cement Company, Inc.,* Civil Action No. 3:17–cv–302.

This case involves claims for alleged violations of the Prevention of Significant Deterioration program of the Clean Air Act and related state law requirements against the Nevada Cement Company at its Fernley, Nevada, Portland cement facility. The original Consent Decree resolving the dispute included injunctive relief for installation of control technology to reduce emissions of nitrogen oxides (NO_X), civil penalties, and mitigation of past excess NO_X emissions. The proposed First Amendment, if approved by the Court, would change the requirements in the original Consent Decree from Selective Non-Catalytic Reduction control technology to Selective Catalytic Reduction control technology for NOx emissions, and would require greater reductions in NO_X, yielding a net NO_X emission reduction over the life of the Consent Decree as compared to the original Consent Decree.

The publication of this notice opens a period for public comment on the First Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Nevada Cement, Inc.,* D.J. Ref. No. 90–5–2–1–10458. 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 First Amendment may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the First Amendment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $3.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–18172 Filed 8–22–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request: H–2A Recordkeeping Requirement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL or Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly

understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration (ETA) is soliciting comments concerning its proposal to extend the approval of this information collection. Current expiration of the information collection is November 30, 2018.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 22, 2018.

ADDRESSES: A copy of this information collection request (ICR), with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge by contacting William W. Thompson, II, Administrator, Office of Foreign Labor Certification, telephone number: 202–513–7350 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Requests may also be made by fax at 202–513–7395 or by email at *ETA.OFLC.Forms@dol.gov* subject line: H–2A Recordkeeping Requirement.

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Foreign Labor Certification, Room 12–200, 200 Constitution Avenue NW, Washington, DC 20210; by email: *ETA.OFLC.Forms@dol.gov* subject line: H–2A Recordkeeping Requirement; or by fax: 202–513–7395.

SUPPLEMENTARY INFORMATION:

I. Background

Under the foreign labor certification programs administered by ETA, the H–2A temporary labor certification program enables employers to bring nonimmigrant foreign workers to the U.S. to perform agricultural work of a temporary or seasonal nature as defined in 8 U.S.C. 1101(a)(15)(H)(ii)(a). The H–2A program also permits employers to employ foreign sheepherders and goatherders and those working in open-range production of livestock.

In order to meet its statutory responsibilities under the Immigration and Nationality Act, the Department must request information from employers seeking to hire and import foreign labor. The Department uses the information collected to determine whether employers engaging in sheep herding, goat herding, and open-range production of livestock have met their obligations under Federal law. This ICR pertains to program obligations for employers seeking to hire foreign temporary agricultural workers for job opportunities in herding or production of livestock on the open range. Among the issues addressed through this ICR are timekeeping requirements of employers. In order to determine eligibility for the program based on the amount of work performed on the range, this ICR requires employers to note whether employees spend days on the ranch or on the range. This ICR also requires employers to record the reason for the worker's absence where the employer chooses to prorate the required wage.

II. Review Focus

DOL is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; 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.

III. This ICR May Be Summarized as Follows

Agency: DOL–ETA.
Action: Extension.
Title of Collection: H–2A Recordkeeping Requirement.
OMB Control Number: 1205–0519.
Affected Public: Private Sector—Farms.
Form(s): None.
Total Estimated Number of Annual Respondents: 654.
Frequency: Weekly (50 weeks).
Total Estimated Annual Responses: 32,070.
Average Time per Response: 6 minutes.
Total Estimated Annual Time Burden: 3,270.
Total Estimated Annual Other Costs Burden: $0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record. Commenters are encouraged not to submit sensitive information (*e.g.,* confidential business information or personally identifiable information such as a social security number).

Authority: 44 U.S.C. 3507(a)(1)(D).

Rosemary Lahasky,
Deputy Assistant Secretary for Employment and Training Administration.

[FR Doc. 2018–18211 Filed 8–22–18; 8:45 am]
BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Ac92862t''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *May 16, 2018 through July 13, 2018.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated;

AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a

Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path

(i) the sales or production, or both, of such firm, have decreased absolutely;

AND (ii and iii below)

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services From a Foreign Country Path

(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm;

AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) a significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4));

AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**;

AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
92,977	Meggitt Control Systems, Meggitt-USA, Whittaker Control Systems, Belcan Corporation, CDI, etc.	Corona, CA	June 27, 2016.
93,517	Triumph Aerostructures, Marshall Street Facility, Triumph Aerospace Structure, Triumph Group.	Grand Prairie, TX	February 2, 2017.
93,556	TIDI Products, LLC, TIDI Products Holdings, LLC, Aerotek, Inc	Fenton, MI	February 13, 2017.
93,696	Energy Fuels Resources (USA), Inc	Blanding, UT	March 22, 2017.

TA–W No.	Subject firm	Location	Impact date
93,696A	Energy Fuels Resources (USA), Inc., Henry Mountain Tony M. Mine, Price Mine Services.	Ticaboo, UT	March 22, 2017.
93,696B	Energy Fuels Resources (USA), Inc., Canyon Mine, Price Mine Services	Tusayan, AZ	March 22, 2017.
93,743	Necco	Revere, MA	April 18, 2017.
93,758	Endura Products Tennessee, LLC, Endura Products, Express Employment, Metro Industrial, Staffing Solutions.	Sparta, TN	April 24, 2017.
93,769	Alice Manufacturing Company, Inc., Ellison Plant	Easley, SC	April 27, 2017.
93,784	Eaton Corporation, CPD division, Barpellam	Horseheads, NY	May 1, 2017.
93,812	Ajax X Ray, Inc., Foundry Division	Sayre, PA	May 10, 2017.
93,867	University of Kansas Health System St. Francis Campus, Transcription Services, Ardent Health System, Sisters of Charity.	Topeka, KS	June 1, 2017.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
92,880	Nexon America, Inc., Nexon Co. Limited (Japan), Target CW, Offer Base Designers.	El Segundo, CA	May 9, 2016.
93,284	Selectel, Inc	Fremont, NE	November 6, 2016.
93,406	Armstrong World Industries, Inc., St. Helens Ceilings Plant, Cardinal Services, Inc., Terra Staffing Group.	St. Helens, OR	January 5, 2017.
93,412	AT&T Communications (Southwestern Bell Telephone Company), AT&T Digital, Retail and Care, AT&T, Access World Wide, Convergys, etc.	Wichita, KS	January 9, 2017.
93,420	First American Title Insurance Company, Pro Unlimited, Roseville, California, First American Title Insurance Company.	Lakeport, CA	January 11, 2017.
93,450	Nike, Inc., Technical Support Service, Global Human Resources, Pro Unlimited	Beaverton, OR	January 23, 2017.
93,451	Vishay Siliconix, Siliconix Mosfets	Santa Clara, CA	January 24, 2017.
93,491	Talbot Industries, Leggett & Platt, Manpower, Peoplelink Staffing	Neosho, MO	January 18, 2017.
93,558	ITW Global Tire Repair, Illinois Tool Works (ITW), Hughes Staffing Agency	Little Rock, AR	February 16, 2017.
93,575	ACE American Insurance Company dba Chubb, IT integration department, Chubb Limited and Chubb INA Holdings Inc.	Simsbury, CT	February 26, 2017.
93,610	Littler Diecast, Brahm Corporation	Albany, IN	March 4, 2017.
93,634	Lexis Nexis, RELX Division, Reed Elsevier Lexis Nexis (RELX), Allegis	Miamisburg, OH	March 12, 2017.
93,646	United Technologies Electronic Controls, Inc., Aerotek, Kelly Services, Business Health Solutions PC.	Huntington, IN	March 14, 2017.
93,647A	Republic Fastener Manufacturing, Inc., Arconic Inc., 1300 Rancho Conejo Boulevard, Headway Staffing, Kelly, etc.	Newbury Park, CA	March 16, 2017
93,648	Boston Scientific Corporation, Neuromodulation Division, Talent Choice	Valencia, CA	March 16, 2017.
93,673	Qualified Billing and Collections RMC, LLC, ModernHR	Los Angeles, CA	March 21, 2017.
93,677	Semblant, Inc., Semblant Limited	Scotts Valley, CA	March 23, 2017.
93,679	Aviation Partners Boeing Inc., Aviation Partners, The Boeing Company, CTS, PDS Tech, LMI Aerospace (TASS).	Seattle, WA	March 26, 2017.
93,687	JPMorgan Chase & Co., Commercial Banking Wholesale Lending Services Credit Services.	Louisville, KY	March 29, 2017.
93,694	American Express Travel Related Services Company Inc., American Express Company, Global New Accounts, Specialist-Loss Prevention.	Salt Lake City, UT	March 20, 2017.
93,695	Elsevier Inc., Relx, Populous	Maryland Heights, MO	August 20, 2017.
93,704	Electrolux Home Products, Inc., Freezer Division, Electrolux North America, Atlas Staffing.	St. Cloud, MN	April 5, 2017.
93,707	GroupSystems Corporation, Quality Assurance Department	Denver, CO	April 6, 2017.
93,712	MAHLE Filter Systems NA, Raine Recruiting LLC, Des Employment Group, Elite Staffing Inc.	Winterset, IA	April 9, 2017.
93,719	NAU International Inc., Design Department, Black Yak Ltd, Co., Office Team, A Robert Half Company.	Portland, OR	April 12, 2017.
93,720	Ericsson, Inc., Global Logic, CCM Consulting, L305	Piscataway, NJ	April 11, 2017.
93,721	Toyo Tire Mexico LLC, Toyo Tire & Rubber Co., Ltd	Chula Vista, CA	April 10, 2017.
93,723	Steelcase Inc., Administrative Services Group, The Manpower Group, Expiries	Grand Rapids, MI	April 11, 2017.
93,723A	Steelcase Inc., Administrative Services Group, The Manpower Group, Expiries	Kentwood, MI	April 11, 2017.
93,724	Fram Group, Autolite Division, Geometric Results Inc	Fostoria, OH	April 22, 2018.
93,725	Hewlett Packard Enterprise, Global Support Delivery Supply Chain division, HP Inc.	Andover, MA	April 12, 2017.
93,726	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Allendale, NJ	April 11, 2017.
93,726A	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Alpharetta, GA	April 11, 2017.
93,726B	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Charleston, TN	April 11, 2017.
93,726C	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Portsmouth, NH	April 11, 2017.
93,726D	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Rochester, NY	April 11, 2017.
93,726E	Lonza America Inc., Lonza Group Ltd., Robert Half Services, Kelly Services	Walkersville, MD	April 11, 2017.
93,735	Hutchinson Technology Incorporated, TDK	Hutchinson, MN	April 19, 2018.
93,736	Mayer Industries Inc., Mayer & CIE GmbH & Co. KG, Kilgore Group, Inc., Staffmark.	Orangeburg, SC	April 17, 2017.

TA–W No.	Subject firm	Location	Impact date
93,740	The Northern Trust Company, IT Department, Northern Trust Corporation, Tata America International, etc.	Naperville, IL	April 18, 2017.
93,740A	The Northern Trust Company, IT Department, Northern Trust Corporation, Infosys, Cognizant, etc.	Chiago, IL	April 18, 2017.
93,742	Digital First Media, Bay Area News Group, Digital First Media/Media News Group, Labor Ready, etc.	San Jose, CA	April 18, 2017.
93,742A	East Bay Times, Bay Area News Group, Labor Ready, Robert Half	Antioch, CA	April 18, 2017.
93,747	CTS Corporation, Specialized Staffing	Elkhart, IN	September 1, 2018.
93,747A	Forge Industrial Staffing and D.O.L.S. Managed Workforce Inc., CTS Corporation.	Elkhart, IN	April 20, 2017.
93,750	Yellow Pages Digital and Media Solutions, LLC, Yellow Pages Digital and Media Solutions, Ltd., Print Production Support.	Indianapolis, IN	April 20, 2017.
93,751	Computershare Inc., Canton Finance Group, Computershare Limited, Adecco Staffing.	Canton, MA	April 23, 2017.
93,762	VMware, Inc., Dell Technologies Inc., Nicira, Inc., Kelly Services Inc	Palo Alto, CA	April 24, 2017.
93,766	Harmonic Inc., Northwest Chip Design, Inc., West Valley Staffing Group	Beaverton, OR	April 25, 2017.
93,767	HEIDENHAIN Corporation, Dr. Johannes HEIDENHAIN GmbH, Adecco	Jamestown, NY	April 25, 2017.
93,777	Siemens Shared Services, Employee Data Management, Randstad Sourceright	Orlando, FL	April 26, 2017.
93,782	Puppet, Inc., Puppet Labs, Inc., Corporate Sales, Human Resources, Finance, etc.	Portland, OR	April 30, 2017.
93,783	Westhaven, Inc	Yuba City, CA	April 30, 2017.
93,785	Integrated Manufacturing and Assembly, Detroit Plant, Seating, Comer Holdings & Lear Corporation, Vetbuilt.	Detroit, MI	May 1, 2017.
93,786	Owens Corning Technical Fabrics, LLC, Owens Corning Composite Materials, LLC, The Bartech Group.	Brunswick, ME	May 1, 2017.
93,789	C&D Zodiac, Inc., Helpmates, Volt, Superb Tech, Peak, Kelly Services, Konnect, etc.	Garden Grove, CA	April 30, 2017.
93,792	HarbisonWalker International, Inc., HarbisonWalker International Holdings, Inc	Oak Hill, OH	November 30, 2017.
93,793	Hubbell Lighting Hudson, Hubbell Lighting, Inc., Hubbell Inc., Hudson Staffing, Express Employment.	Hudson, WI	May 3, 2017.
93,795	Ministry Health Care Inc., Patient Financial Services Branch, Ascension Health	Woodruff, WI	May 3, 2017.
93,796	Finastra USA Corporation, Aerotek, Accountemps, Ultimate Staffing, TCS	Portland, OR	May 3, 2017.
93,798	Joyson Safety Systems, Moses Lake division, KSS Acquisition Company, TK Holdings Inc., etc.	Moses Lake, WA	May 2, 2017.
93,801	BAE Applied Intelligence US Corp., BAE Systems PLC	Denver, CO	May 7, 2017.
93,803	Philips Lighting North America Corp., Business Professional Americas, Philips Lighting BV, etc.	Fall River, MA	April 30, 2017.
93,804	Ricoh, USA, Inc., Ricoh America Holdings, All Source PPS, Amerit Consulting, Apple One, etc.	Boulder, CO	May 7, 2017.
93,806	Hampton Products International Corporation	Willimantic, CT	May 8, 2017.
93,807	Hampton Products International Corporation	Rice Lake, WI	May 8, 2017.
93,810	ReviewBuzz Inc	Oceanside, CA	May 9, 2017.
93,811	RF Digital Corporation, AMS Group	Hermosa Beach, CA	May 9, 2017.
93,813	ContiTech USA, Inc., ContiTech division, Continental AG, Manpower	Hannibal, MO	May 10, 2017.
93,822	Infinite Electronics International, Inc., Hayden Idaho Division, Transtector Systems, Smiths Microwave Telecoms, etc.	Hayden, ID	May 7, 2018.
93,822A	Provisional Recruiting & Staffing, Infinite Electronics International, Hayden Idaho Division, Inc.	Hayden, ID	May 17, 2017.
93,826	HarbisonWalker International, Inc., HarbisonWalker International Holdings, Inc	Claysburg, PA	May 18, 2017.
93,828	SimplexGrinnell, Credit Card Team, Johnson Controls, Agile 1	Westminster, MA	May 17, 2017.
93,832	Dematic Corporation, KION Group	Grand Rapids, MI	April 16, 2018.
93,833	Lord & Taylor LLC, Digital Department	Wilkes Barre, PA	May 21, 2017.
93,836	Pacific Coast Title	Orange, CA	May 21, 2017.
93,837	Astec America LLC, Engineering Design Center, Artesyn Embedded Technologies, Inc.	Eden Prairie, MN	May 23, 2017.
93,839	Arjo, Inc., Arjo AB, Patriot Technical, Contract Tech, Adecco NA	San Antonio, TX	May 24, 2017.
93,840	Ericsson Inc., Packet Core User Plane Research and Development Group, etc	Santa Clara, CA	May 24, 2017.
93,843	Jacobs Engineering Group, Inc., Jacobs Field Service North America, Aerotek, Air Energi/Airswiff, ASI, etc.	Long Beach, CA	May 24, 2017.
93,846	Dresser Rand, A Siemens Business, Power & Gas Division	Burlington, IA	May 22, 2017.
93,848	Mylan Pharmaceuticals, Inc., Mylan Inc., Kelly Services, Manpower	Morgantown, WV	May 24, 2017.
93,849	Sonus Networks, Inc., Research and Development, Ribbon Communications Inc., Genband US LLC.	Morrisville, NC	May 25, 2017.
93,858	Grass Valley, a Belden Brand, Belden, Inc., Adecco Temporary Agency	Grass Valley, CA	May 31, 2017.
93,862	Vitec Production Solutions (formally Vitec Videocom), Vitec Group, Micro Tech Staffing Group, Michael Page International, etc.	Shelton, CT	May 31, 2017.
93,866	LogMeIn USA, Inc., LogMeIn, Inc., Volt Information Sciences, AppleOne, Robert Half.	Goleta, CA	June 1, 2017.
93,868	Smith & Nephew	Austin, TX	June 5, 2017.
93,869	Benteler Automotive Corporation, Benteler Group, Accounts Payable Division, AccountTemps.	Auburn Hills, MI	June 5, 2017.
93,870	BIC Corporation, Societe BIC, IT Department, Bridgetown Computer, Grapevine Technology, etc.	Shelton, CT	June 5, 2017.

TA–W No.	Subject firm	Location	Impact date
93,871	Thermo Fisher Scientific, Genetic Sciences, A.P.R., Adecco USA, Amerit Consulting, etc.	Austin, TX	May 31, 2017.
93,873	Infor (US), Inc	Grand Rapids, MI	June 6, 2017.
93,874	Zodiac Electrical Inserts USA, Zodiac Electrical Inserts Reporting Unit, Zodiac Aerospace, etc.	Huntington Beach, CA	May 31, 2017.
93,876	Frank and Adam Apparel LLC	City of Industry, CA	June 7, 2017.
93,877	Pavilion Data Systems, Isana Systems India Private Limited	San Jose, CA	June 6, 2017.
93,883	Viavi Solutions Inc., Trilithic	Indianapolis, IN	June 11, 2017.
93,885	Sonus Networks, Inc. d/b/a Ribbon Communications Operating Company, Ribbon Communications, Research and Development, etc.	Freehold, NJ	May 30, 2017.
93,886	SECO/WARWICK Corporation, SECO/WARWICK SA	Meadville, PA	October 21, 2017.
93,891	Thermo Fisher Scientific, Laboratory Products Division, Life Sciences Solutions Group, Adecco, etc.	Asheville, NC	June 13, 2017.
93,893	Encompass Group LLC, Workforce, Hudson Industries	Richmond, VA	June 14, 2017.
93,894	Pensmore Reinforcement Technologies, LLC, Workbox Staffing	Ann Arbor, MI	June 14, 2017.
93,900	Honeywell Santa Ana Site, Safety and Productivity Solutions Division, Honeywell International, etc.	Santa Ana, CA	June 18, 2017.
93,901	IHG, Call Center division, Six Continents Hotels, Inc	North Charleston, SC	June 18, 2017.
93,904	Digi International Inc., Aerotek, Pro Staff, Kelly Services	Eden Prairie, MN	June 19, 2017.
93,910	IHG, Call Center division, Six Continents Hotels, Inc	Salt Lake City, UT	June 20, 2017.
93,912	Mackie International Inc., Employment Solutions, Allegra Staffing	Riverside, CA	June 21, 2017.
93,914	TE Connectivity, Express Pros, Kelly Services, Entegee/E91	Budd Lake, NJ	June 21, 2017.
93,919	TE Connectivity, Data and Devices Division, Kelly Services, Co-Worx	Worcester, MA	June 22, 2017.
93,927	Transitions Optical, Inc	Pinellas Park, FL	July 13, 2018.
93,931	Baxter Healthcare Corporation, Post Market Surveillance Group, Aerotek	Round Lake, IL	June 27, 2017.
93,947	Transportation, Inc., Consolidated Call Center, Transportation General, etc	Arlington, VA	July 2, 2017.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
93,350	HM Dunn Company, Inc., St. Louis Machining Division, Global Search Agency, The Experts.	St. Louis, MO	December 6, 2016.
93,364	Tokusen U.S.A., Inc., Scottsburg division, Manpower	Scottsburg, IN	December 6, 2016.
93,655	Minnesota Power, Generation Division—Rapids Energy Center, Allete, Incorporated.	Grand Rapids, MN	March 16, 2017.
93,655A	Allete, Incorporated, 30 W. Superior Street	Duluth, MN	March 16, 2017.
93,655B	Allete, Incorporated, 3215 W. Arrowhead Road	Duluth, MN	March 16, 2017.
93,655C	Minnesota Power, Boswell Energy Center, Allette, Incorporated	Cohasset, MN	March 16, 2017.
93,710	Convergys	Omaha, NE	April 6, 2017.
93,797	General Electric Transportation, General Electric Company	Grove City, PA	April 23, 2018.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
93,488	H. Kramer & Co.	Chicago, IL	April 20, 2016.
93,555	Swanson Group Mfg., LLC, Roseburg Sawmill, Swanson Group, Express Employment Professionals.	Roseburg, OR	December 28, 2016.
93,587	Gerdau Ameristeel US Inc., GLN Division, Kelly Services, Aerotek, Allied Staffing, People Ready.	Baldwin, FL	July 7, 2016.
93,772	TAMCO, Gerdau-Rancho Cucamonga, Robert Half, US Security & Associates, etc.	Rancho Cucamonga, CA.	July 7, 2016.
93,774	Keystone Bar Products, Inc., Keystone Consolidated Industries, Inc	Chicago Heights, IL	July 7, 2016.
93,775	Keystone Consolidated Industries, Inc., Keystone Steel & Wire Division, ManPower, Kelly Services.	Peoria, IL	July 7, 2016.
93,776	Nucor Steel Kankakee, Inc., Nucor Corporation, Manpower US Inc., Robert Half International, Inc.	Bourbonnais, IL	July 7, 2016.
93,790	Commercial Metals Company, ManPower	Magnolia, AR	July 7, 2016.
93,829	WIE–AGRON Bioenergy, LLC, AGRON Bioenergy, LLC, Western Iowa Energy, LLC.	Watsonville, CA	December 28, 2016.
93,830	American Biodiesel, Inc., doing business as Community Fuels, Aerotek	Stockton, CA	December 28, 2016.
93,831	Crimson Renewable Energy, L.P., Aerotek	Bakersfield, CA	December 28, 2016.
93,834	Imperial Western Products, Inc., AMB AG Enterprise, ATWork Franchise, Labor Ready Southwest, etc.	Coachella, CA	December 28, 2016.

TA–W No.	Subject firm	Location	Impact date
93,835	New Leaf Biofuel, LLC	San Diego, CA	December 28, 2016.
93,842	FutureFuel Chemical Company & Legacy Regional Transport, L.L.C., Arkansas division, FutureFuel Corporation.	Batesville, AR	December 28, 2016.
93,847	Incobrasa Industries, LTD, People4U	Gilman, IL	December 28, 2016.
93,852	REG Danville, LLC, REG Biofuels, LLC	Danville, IL	December 28, 2016.
93,855	Nucor Steel Auburn, Inc., Nucor Corporation, Aerotek, EFPR Group LLP	Auburn, NY	July 7, 2016.
93,906	Sterling Steel Company, LLC, Leggett & Platt, Incorporated, SimpleVMS, Inc	Sterling, IL	January 18, 2017.
93,962	Plymouth Tube Company, Addison Group, Advanced Resources, Cornerstone Staffing.	Warrenville, IL	January 30, 2017.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222 (a)(1) and (b)(1) (significant worker total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA–W No.	Subject firm	Location	Impact date
93,463	California Psychology Associates	Valley Village, CA.	
93,600	AECOM Technical Services, Inc. and URS Federal Services, Inc., Information Technology and HRIS division, AECOM.	Glen Allen, VA.	
93,623	The Travelers Indemnity Company, Travelers Companies, Inc., Personal Insurance Division.	Spokane, WA.	
93,647	Arconic Inc., Alcoa Fastening Systems, JW Manufacturing, Van Petty Operations, etc.	Newbury Park, CA.	
93,650	Sumitomo Rubber USA, LLC, Sumitomo Rubber Industries, Ltd., Remedy Staffing.	Tonawanda, NY.	
93,771	Cascade Steel Rolling Mills, Inc., El Monte Division, Express Employment Professionals.	City of Industry, CA.	
93,856	Ricoh USA, Inc.	Scottsbluff, NE.	

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
93,447	Glencore Ltd., Glencore International AG	Stamford, CT.	
93,627	LORD Corporation, Kelly Services, Modis (formerly Adecco)	Erie, PA.	
93,713	Hudson Technologies Company, Hudson Technologies, Inc., Symmetry Search Group.	Pearl River, NY.	
93,745	CCMA, LLC	Amherst, NY.	
93,749	Traxys North America LLC, Traxys Sarl	New York, NY.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
93,197	Country Curtains, The Fitzpatrick Companies Inc	Lee, MA.	
93,197A	Housatonic Country Curtains, The Fitzpatrick Companies Inc	Great Barrington, MA.	
93,197B	Country Curtains, The Fitzpatrick Companies Inc	West Hartford, CT.	
93,197C	Country Curtains, The Fitzpatrick Companies Inc	Annapolis, MD.	
93,197D	Country Curtains, The Fitzpatrick Companies Inc	Avon, CT.	
93,197E	Country Curtains, The Fitzpatrick Companies Inc	Chester, NJ.	
93,197F	Country Curtains, The Fitzpatrick Companies Inc	Cranston, RI.	
93,197G	Country Curtains, The Fitzpatrick Companies Inc	Fishkill, NY.	
93,197H	Country Curtains, The Fitzpatrick Companies Inc	Greenville, DE.	
93,197I	Country Curtains, The Fitzpatrick Companies Inc	Hunt Valley, MD.	
93,197J	Country Curtains, The Fitzpatrick Companies Inc	Manhasset, NY.	
93,197K	Country Curtains, The Fitzpatrick Companies Inc	Naperville, IL.	
93,197L	Country Curtains, The Fitzpatrick Companies Inc	Pembroke, MA.	

TA–W No.	Subject firm	Location	Impact date
93,197M	Country Curtains, The Fitzpatrick Companies Inc	Newington, NH.	
93,197N	Country Curtains, The Fitzpatrick Companies Inc	Richmond, VA.	
93,197O	Country Curtains, The Fitzpatrick Companies Inc	Rochester, NY.	
93,197P	Country Curtains, The Fitzpatrick Companies Inc	Shrewsbury, NJ.	
93,197Q	Country Curtains, The Fitzpatrick Companies Inc	Solon, OH.	
93,197R	Country Curtains, The Fitzpatrick Companies Inc	Stockbridge, MA.	
93,197S	Country Curtains, The Fitzpatrick Companies Inc	Sturbridge, MA.	
93,197T	Country Curtains, The Fitzpatrick Companies Inc	Sudbury, MA.	
93,197U	Country Curtains, The Fitzpatrick Companies Inc	Warrington, PA.	
93,197V	Country Curtains, The Fitzpatrick Companies Inc	Marlton, NJ.	
93,197W	Country Curtains, The Fitzpatrick Companies Inc	Richwood, NJ.	
93,197X	Country Curtains, The Fitzpatrick Companies Inc	East Westport, CT.	
93,443	Kobayashi Healthcare International, Berlin Industries, Kobayashi Pharmaceutical Co. Ltd., OfficeTeam.	North Lima, OH.	
93,475	Vyaire Medical, Inc., Plymouth Facility	Plymouth, MN.	
93,480	Quad/Graphics Inc., Waseca Facility, Masterson Staffing Solutions, Manpower Group US, Spherion.	Waseca, MN.	
93,481	AM General LLC, AM General Holdings LLC, Commercial Assembly	Mishawaka, IN.	
93,485	CHS Inc., Processing & Food Ingredients Division, Aventure Staffing	South Sioux City, NE.	
93,496	Transweb, LLC, Parker Industries, Staff Management SMX, Integrity Staffing, Lyneer.	Vineland, NJ.	
93,578	Tower International, Sentech Services, Worbox Staffing, CER Group NA	Clinton Township, MI.	
93,599	Wyman Gordon, Precision Castparts Corp	North Grafton, MA.	
93,600A	AECOM Technical Services, Inc. and URS Federal Services, Inc., Payroll and Accounts Payable, AECOM, Office Team, Robert Half, etc.	Glen Allen, VA.	
93,628	Northstar Machine and Tool dba Northstar Aerospace	Duluth, MN.	
93,644	Greenwich Associates US Inc., Greenwich Associates LLC	Cheektowaga, NY.	
93,668	Chemring Energetic Devices, Inc., Chemring Group PLC	Torrance, CA.	
93,697	Mississippi Lime Company, Huron Plant, Express Employment Professionals	Huron, OH.	
93,744	Tanner Companies, LLC, Tanner Investments, Inc., APT Investments, Inc	Rutherfordton, NC.	
93,760	Radial South, Radial Commerce, Inc., Adecco, LGS, Integrity Staffing Solutions	Memphis, TN.	
93,768	Woolrich, Inc, Woolrich International Limited	New York, NY.	
93,768A	Woolrich, Inc, Woolrich International Limited	Woolrich, PA.	
93,780	International Bildrite, Inc	International Falls, MN.	
93,815	Rag & Bone Industries, LLC, Same Makers and Pattern Makers, Chief Supply Chain Officer Technical Serv.	New York, NY.	
93,824	A&W Screen Printing, Inc., Gage Personnel	Ephrata, PA.	
93,854	Kiko USA, Inc., Kiko S.p.A	Los Angeles, CA.	

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
93,709	ADP, LLC	Portland, OR.	
93,763	AK Steel	Butler, PA.	
93,787	Airtronics Inc	Bellevue, WA.	
93,920	TRG Customer Solutions, Inc., d/b/a Ibex	Indiana, PA.	

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA–W No.	Subject firm	Location	Impact date
93,671	Midway Airport Concessionaires, Midway Airport	Chicago, IL.	
93,808	Cascade Steel Rolling Mills	McMinnville, OR.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
93,349	TLC Companies	Seneca, KS.	
93,417	Triumph Aerostructures, Triumph Aerospace Structure division, Triumph Group	Red Oak, TX.	
93,467	Ericsson, Inc.	Waltham, MA.	
93,501	Boyd Coffee Company	Portland, OR.	
93,656	Axeon Refining LLC, Axeon Specialty Products LLC	San Antonio, TX.	
93,656A	Axeon Refining LLC, Axeon Specialty Products LLC	Stamford, CT.	
93,674	Business Health Solutions, PC	Indianapolis, IN.	
93,698	Boyd Coffee Company	Council Bluffs, IA.	
93,702	Koppers Inc.	Follansbee, WV.	
93,728	Technicolor Connected Home USA, Technicolor USA, Inc., 201 Continental Boulevard.	El Segundo, CA.	
93,728A	Technicolor Connected Home USA, Technicolor USA, Inc., 400 Continental Boulevard.	El Segundo, CA.	
93,734	Modis E&T LLC, Applied Materials, Division of Common Solutions Manufacturing Group (CSMG).	Austin, TX.	
93,788	Byer Steel	Cincinnati, OH.	
93,802	Optum Health UHC	Richardson, TX.	
93,805	U.S. Steel Tubular Products, Inc., Lone Star Tubular Operations, United States Steel Corporation.	Lone Star, TX.	
93,879	Eagle Family Foods Group LLC, Onin Staffing	Seneca, MO.	
93,880	Savage Services, CraftForce, MPW Services, and Anderson Security, AES Ohio Generation (DP&L), JMSS Division.	Aberdeen, OH.	
93,897	Xerox, Customer Business Operations (CBO) division, Xerox Technology	Rosemont, IL.	
93,907	Transamerican Auto Parts, TAP Worldwide, 4 Wheel Parts, Polaris Industries, Accounts Payable, etc.	Compton, CA.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
93,389	Dex YP, Print Media, LLC, TriNet HR	Maryland Heighs, MO	

I hereby certify that the aforementioned determinations were issued during the period of *May 16, 2018 through July 13, 2018*. These determinations are available on the Department's website *https://www.doleta.gov/tradeact/taa/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 19th day of July 2018.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2018–18193 Filed 8–22–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than September 4, 2018.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 4, 2018.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, this 19th day of July 2018.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

168 TAA PETITIONS INSTITUTED BETWEEN 5/16/18 AND 7/13/18

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93817	Jorgensen Forge (Union)	Seattle, WA	05/16/18	05/10/18
93818	Toys R Us (State/One-Stop)	Rapid City, SD	05/16/18	05/15/18
93819	Avid Technology Inc. (State/One-Stop)	Burlington, MA	05/17/18	05/16/18
93820	DiCentral Corporation (State/One-Stop)	Houston, TX	05/17/18	05/16/18
93821	Columbia River Logistics (State/One-Stop)	Vancouver, WA	05/18/18	05/17/18
93822	Infinite Electronics International, Inc. (Company)	Hayden, ID	05/18/18	05/17/18
93822A	Provisional Recruiting & Staffing (Company)	Hayden, ID	05/18/18	05/17/18
93823	SSAB (State/One-Stop)	Roseville, MN	05/18/18	05/17/18
93824	A&W Screen Printing, Inc. (Company)	Ephrata, PA	05/21/18	05/18/18
93825	Alorica (Workers)	Omaha, NE	05/21/18	05/18/18
93826	HarbisonWalker International, Inc. (Union)	Claysburg, PA	05/21/18	05/18/18
93827	Toys R US (Workers)	Lafayette, IN	05/21/18	05/18/18
93828	SimplexGrinnell (State/One-Stop)	Westminster, MA	05/21/18	05/17/18
93829	WIE–AGRON Bioenergy, LLC (State/One-Stop)	Watsonville, CA	05/22/18	05/21/18
93830	American Biodiesel, Inc., doing business as Community Fuels (State/One-Stop).	Stockton, CA	05/22/18	05/21/18
93831	Crimson Renewable Energy, L.P. (State/One-Stop)	Bakersfield, CA	05/22/18	05/21/18
93832	Dematic Corporation (State/One-Stop)	Grand Rapids, MI	05/22/18	05/21/18
93833	Lord & Taylor LLC (Workers)	Wilkes Barre, PA	05/22/18	05/21/18
93834	Imperial Western Products, Inc. (State/One-Stop)	Coachella, CA	05/22/18	05/21/18
93835	New Leaf Biofuel, LLC (State/One-Stop)	San Diego, CA	05/22/18	05/21/18
93836	Pacific Coast Title (State/One-Stop)	Orange, CA	05/22/18	05/21/18
93837	Astec America LLC (State/One-Stop)	Eden Prairie, MN	05/24/18	05/23/18
93838	U.S. Security Associates (State/One-Stop)	Calvert City, KY	05/24/18	05/23/18
93839	Arjo, Inc. (State/One-Stop)	San Antonio, TX	05/25/18	05/24/18
93840	Ericsson Inc. (Company)	Santa Clara, CA	05/25/18	05/24/18
93841	Farm Fresh (Workers)	Poquoson, VA	05/25/18	05/22/18
93842	FutureFuel Chemical Company & Legacy Regional Transport, L.L.C. (State/One-Stop).	Batesville, AR	05/25/18	05/24/18
93843	Jacobs Engineering Group, Inc. (State/One-Stop)	Long Beach, CA	05/25/18	05/24/18
93844	Kantar Media (State/One-Stop)	Princeton, NJ	05/25/18	05/24/18
93845	Boise Cascade (Union)	Elgin, OR	05/29/18	05/25/18
93846	Dresser Rand (Company)	Burlington, IA	05/29/18	05/22/18
93847	Incobrasa Industries, LTD (State/One-Stop)	Gilman, IL	05/29/18	05/25/18
93848	Mylan Pharmaceuticals, Inc. (Union)	Morgantown, WV	05/29/18	05/24/18
93849	Sonus Networks, Inc. (Workers)	Morrisville, NC	05/29/18	05/25/18
93850	Swanson Manufacturing Services Inc. (Union)	Morgantown, WV	05/29/18	05/24/18
93851	Hillphoenix (Subsidiary of Dover Corporation) (State/One-Stop)	Colonial Heights, VA	05/30/18	05/29/18
93852	REG Danville, LLC (State/One-Stop)	Danville, IL	05/30/18	05/29/18
93853	Hitachi Consulting (State/One-Stop)	Denver, CO	05/31/18	05/30/18
93854	Kiko USA, Inc. (State/One-Stop)	Los Angeles, CA	05/31/18	05/30/18
93855	Nucor Steel Auburn, Inc. (State/One-Stop)	Auburn, NY	05/31/18	05/30/18
93856	Ricoh USA, Inc. (State/One-Stop)	Scottsbluff, NE	05/31/18	05/30/18
93857	Toys R Us (State/One-Stop)	Tennessee, TN	05/31/18	05/30/18
93858	Grass Valley, a Belden Brand (Company)	Grass Valley, CA	06/01/18	05/31/18
93859	Intertek USA, Inc. dba Intertek Pilot Plant Services (Company)	Pittsburgh, PA	06/01/18	05/31/18
93860	Toys "R" Us (State/One-Stop)	South Carolina, SC	06/01/18	05/31/18
93861	Toys "R" Us (Company)	NC Locations, NC	06/01/18	05/31/18
93862	Vitec Production Solutions (formally Vitec Videocom) (State/One-Stop)	Shelton, CT	06/01/18	05/31/18
93863	Chemtrade Solutions LLC (Company)	Augusta, GA	06/04/18	05/21/18
93864	Deluxe 3D (State/One-Stop)	Los Angeles, CA	06/04/18	06/01/18
93865	Dun & Bradstreet (State/One-Stop)	Austin, TX	06/04/18	06/01/18
93866	LogMeIn USA, Inc. (State/One-Stop)	Goleta, CA	06/04/18	06/01/18
93867	University of Kansas Health System St. Francis Campus (State/One-Stop).	Topeka, KS	06/04/18	06/01/18
93868	Smith & Nephew (Company)	Austin, TX	06/05/18	06/05/18
93869	Benteler Automotive Corporation (Workers)	Auburn Hills, MI	06/06/18	06/05/18
93870	BIC Corporation (State/One-Stop)	Shelton, CT	06/06/18	06/05/18
93871	Thermo Fisher Scientific (Workers)	Austin, TX	06/06/18	05/31/18
93872	GE (General Electric) Power (State/One-Stop)	Salem, VA	06/07/18	06/06/18
93873	Infor (US), Inc. (State/One-Stop)	Grand Rapids, MI	06/07/18	06/06/18
93874	Zodiac Electrical Inserts USA (Company)	Huntington Beach, CA	06/07/18	05/31/18
93875	Benteler Automotive (State/One-Stop)	Galesburg, MI	06/08/18	06/07/18
93876	Frank and Adam Apparel LLC (Workers)	City of Industry, CA	06/08/18	06/07/18
93877	Pavilion Data Systems (State/One-Stop)	San Jose, CA	06/08/18	06/06/18
93878	Toys R Us (State/One-Stop)	Frederick, MD	06/08/18	06/07/18
93879	Eagle Family Foods Group LLC (State/One-Stop)	Seneca, MO	06/08/18	06/07/18
93880	Savage Services, CraftForce, MPW Services, and Anderson Security (State/One-Stop).	Aberdeen, OH	06/11/18	06/08/18
93881	Cenveo—Altoona (Workers)	Altoona, PA	06/11/18	06/06/18
93882	Harley-Davidson, Inc. (State/One-Stop)	Kansas City, MO	06/12/18	06/05/18

168 TAA PETITIONS INSTITUTED BETWEEN 5/16/18 AND 7/13/18—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93883	Viavi Solutions Inc. (Workers)	Indianapolis, IN	06/12/18	06/11/18
93884	Conduent Business Service—Health Care Service (State/One-Stop)	Florham Park, NJ	06/13/18	06/12/18
93885	Sonus Networks, Inc. d/b/a Ribbon Communications Operating Company (State/One-Stop).	Freehold, NJ	06/13/18	05/30/18
93886	SECO/WARWICK Corporation (Company)	Meadville, PA	06/13/18	06/12/18
93887	Advanced Business Teleservices (ABT) (State/One-Stop)	Talent, OR	06/14/18	06/13/18
93888	Essity Operations Wausau, LLC (Company)	Middletown, OH	06/14/18	06/13/18
93889	MG Industries (Workers)	Lake City, PA	06/14/18	06/13/18
93890	MICO, Inc. (Workers)	North Mankato, MN	06/14/18	06/13/18
93891	Thermo Fisher Scientific (Workers)	Asheville, NC	06/14/18	06/13/18
93892	Cascade Steel (State/One-Stop)	City of Industry, CA	06/15/18	06/14/18
93893	Encompass Group LLC (State/One-Stop)	Richmond, VA	06/15/18	06/14/18
93894	Pensmore Reinforcement Technologies, LLC (State/One-Stop)	Ann Arbor, MI	06/15/18	06/14/18
93895	Keystone Steel & Wire Company (State/One-Stop)	Peoria, IL	06/15/18	06/15/18
93896	Mayline Safco (Union)	Sheboygan, WI	06/15/18	06/14/18
93897	Xerox (Workers)	Rosemont, IL	06/15/18	06/14/18
93898	Cardinal Health (State/One-Stop)	Waukegan, IL	06/18/18	06/15/18
93899	ADC Billing Office (Workers)	Scottsdale, AZ	06/19/18	06/18/18
93900	Honeywell Santa Ana Site (State/One-Stop)	Santa Ana, CA	06/19/18	06/18/18
93901	IHG (Workers)	North Charleston, SC	06/19/18	06/18/18
93902	Sutherland Healthcare Solutions Inc. (State/One-Stop)	Syracuse, NY	06/19/18	06/18/18
93903	Thermo Fisher Scientific (State/One-Stop)	Rochester, NY	06/19/18	06/18/18
93904	Digi International Inc. (State/One-Stop)	Eden Prairie, MN	06/20/18	06/19/18
93905	Ditech Financial LLC (State/One-Stop)	St Paul, MN	06/20/18	06/19/18
93906	Sterling Steel Company, LLC (State/One-Stop)	Sterling, IL	06/20/18	06/20/18
93907	Transamerican Auto Parts (State/One-Stop)	Compton, CA	06/20/18	06/19/18
93908	Travel Impressions, Ltd./Apple Vacations, LLC (State/One-Stop)	Farmingdale, NY	06/20/18	06/19/18
93909	Atlantic Coffee Industrial Solutions, LLC (Workers)	Houston, TX	06/21/18	06/20/18
93910	IHG (State/One-Stop)	Salt Lake City, UT	06/21/18	06/20/18
93911	Columbia Forest Products, Inc. (State/One-Stop)	Trumann, AR	06/22/18	06/21/18
93912	Mackie International Inc. (State/One-Stop)	Riverside, CA	06/22/18	06/21/18
93913	Regal Beloit America, Inc. (Company)	Blytheville, AR	06/22/18	06/21/18
93914	TE Connectivity (Company)	Budd Lake, NJ	06/22/18	06/21/18
93915	Telefonica USA, Inc. (Workers)	Miami, FL	06/22/18	06/20/18
93916	Continental ContiTech North America (State/One-Stop)	Hannibal, MO	06/25/18	06/22/18
93917	General Electric Transportation Services (State/One-Stop)	Erie, PA	06/25/18	06/22/18
93918	Lexis Nexis (a Subsidiary of RELX Corporation) (Company)	Albany, NY	06/25/18	06/22/18
93919	TE Connectivity (Company)	Worcester, MA	06/25/18	06/22/18
93920	TRG Customer Solutions, Inc., d/b/a Ibex (Company)	Indiana, PA	06/25/18	06/22/18
93921	Putnam Investments (Workers)	Boston, MA	06/26/18	06/18/18
93922	Abbott Associates, Inc. (Company)	Milford, CT	06/26/18	06/22/18
93923	Cascade Steel Rolling Mills (Union)	McMinnville, OR	06/26/18	06/19/18
93924	Bombardier Transportation (Holdings) USA, Inc. (Company)	Pittsburgh, PA	06/27/18	06/26/18
93925	Dimension Data North America, Inc. (State/One-Stop)	Reston, VA	06/27/18	06/26/18
93926	IBM (State/One-Stop)	Phoenix, AZ	06/27/18	06/26/18
93927	Transitions Optical, Inc. (State/One-Stop)	Pinellas Park, FL	06/27/18	06/26/18
93928	Westinghouse Plasma Corporation (Company)	Mt. Pleasant, PA	06/27/18	06/27/18
93929	Sem-Com Company (State/One-Stop)	Cypress, TX	06/27/18	06/27/18
93930	Ariens Company (State/One-Stop)	Auburn, NE	06/28/18	06/27/18
93931	Baxter Healthcare Corporation (State/One-Stop)	Round Lake, IL	06/28/18	06/27/18
93932	Computershare Investment Services (Company)	Canton, MA	06/28/18	06/27/18
93933	Datwyler Pharma Packaging USA, Inc. (Workers)	Pennsauken, NJ	06/28/18	06/27/18
93934	Fibrant, LLC (Company)	Augusta, GA	06/28/18	06/28/18
93935	GlobalFoundries U.S. Inc. (State/One-Stop)	Essex Junction/Burlington, VT.	06/28/18	06/27/18
93936	Novartis Consumer Health, Inc.—GSK Consumer Healthcare (State/One-Stop).	Lincoln, NE	06/28/18	06/27/18
93937	Johnson Controls/TYCO (Company)	Indianapolis, IN	06/29/18	06/28/18
93938	Madison Polymeric Engineering, Inc. (Union)	Branford, CT	06/29/18	06/28/18
93939	Owens-Brockway Glass Container, Inc. (Union)	Atlanta, GA	06/29/18	06/28/18
93940	Rexam Beverage Can Americas (Union)	Birmingham, AL	06/29/18	06/28/18
93941	Seagate Technology (Workers)	Oklahoma City, OK	06/29/18	06/26/18
93942	Micro Motion Inc. (State/One-Stop)	Eden Prairie, MN	07/02/18	06/29/18
93943	US Cocoa Mat (State/One-Stop)	St. George, SC	07/02/18	06/29/18
93944	Wells Fargo & Company (State/One-Stop)	Frederick, MD	07/02/18	06/29/18
93945	Apple Vacations, LLC (Workers)	Newtown Square, PA	07/03/18	06/15/18
93946	Toys R Us (State/One-Stop)	Wayne, NJ	07/03/18	07/02/18
93947	Transportation, Inc. (State/One-Stop)	Arlington, VA	07/03/18	07/02/18
93948	Clearwater Paper (State/One-Stop)	Lewiston, ID	07/05/18	07/03/18
93949	The Collected Group Company, LLC (State/One-Stop)	Vernon, CA	07/05/18	07/03/18
93950	Cordstrap USA (Workers)	Sturtevant, WI	07/05/18	07/03/18

168 TAA PETITIONS INSTITUTED BETWEEN 5/16/18 AND 7/13/18—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93951	El Paso Specialty Physicians Group (Workers)	El Paso, TX	07/05/18	07/03/18
93952	Honeywell International Inc. (State/One-Stop)	Lynnwood, WA	07/05/18	07/03/18
93953	Siteline Cabinetry (the Corsi Group) (State/One-Stop)	Keysville, VA	07/05/18	07/05/18
93954	Two Rivers Conferencing, LLC (State/One-Stop)	Elk Grove Village, IL	07/05/18	07/03/18
93955	AG Industries, Inc. (State/One-Stop)	St. Louis, MO	07/06/18	07/05/18
93956	Caterpillar Inc. (Company)	Joliet, IL	07/06/18	07/05/18
93957	Mallinckrodt Pharmaceuticals (Union)	St. Louis, MO	07/06/18	07/05/18
93958	Lam Research Corporation (State/One-Stop)	Tualatin, OR	07/06/18	07/05/18
93959	IBM (State/One-Stop)	Tucson, AZ	07/09/18	07/06/18
93960	NTT Data Services (State/One-Stop)	Plano, TX	07/09/18	07/06/18
93961	Nucor Steel Birmingham, Inc. (State/One-Stop)	Birmingham, AL	07/09/18	07/06/18
93962	Plymouth Tube Company (State/One-Stop)	Warrenville, IL	07/09/18	07/06/18
93963	Amdocs, Inc. (State/One-Stop)	Chesterfield, MO	07/10/18	07/09/18
93964	REG Seneca Renewable Energy Group, Inc. (State/One-Stop)	Seneca, IL	07/10/18	05/29/18
93965	Aryzta La Brea Bakery, Inc. (State/One-Stop)	Vernon, CA	07/11/18	07/10/18
93966	Bonney Staffing Center (State/One-Stop)	Topsham, ME	07/11/18	07/10/18
93967	Key Bank National Association (State/One-Stop)	Cleveland, OH	07/11/18	07/11/18
93968	Millipore Sigma (State/One-Stop)	St. Louis, MO	07/11/18	07/10/18
93969	Penske Logistics/Corestaff (Workers)	El Paso, TX	07/11/18	07/10/18
93970	Thermo Fisher Scientific (State/One-Stop)	Austin, TX	07/11/18	07/10/18
93971	Toys R Us Corporate Office & Headquarters (State/One-Stop)	Wayne, NJ	07/11/18	07/10/18
93972	Toys R Us (State/One-Stop)	Wayne, NJ	07/11/18	07/02/18
93973	Bic Consumer Products (State/One-Stop)	Milford, CT	07/12/18	07/11/18
93974	Concord Direct (Workers)	Concord, NH	07/12/18	07/11/18
93975	DST Systems, Inc. (State/One-Stop)	Baltimore, MD	07/12/18	07/11/18
93976	Hudson's Bay Company (Workers)	Wilkes Barre, PA	07/12/18	07/11/18
93977	Peds Legwear (USA) Inc. (Company)	Hildebran, NC	07/12/18	07/11/18
93978	Ardagh Group (State/One-Stop)	Simsboro, LA	07/13/18	07/12/18
93979	Commonwealth Brands (Workers)	Reidsville, NC	07/13/18	07/12/18
93980	Deluxe Digital Media (Workers)	Burbank, CA	07/13/18	07/09/18
93981	Nike, Inc. (State/One-Stop)	Beaverton, OR	07/13/18	07/12/18
93982	MetrixLab (formerly acturus) (Workers)	Wexford, PA	07/13/18	07/12/18
93983	Wells Fargo Home Mortgage Northeast Retail (State/One-Stop)	Pittsford, NY	07/13/18	07/12/18

[FR Doc. 2018–18192 Filed 8–22–18; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation of the American Apprenticeship Initiative Office of the Secretary

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) proposal titled, ''Evaluation of the American Apprenticeship Initiative,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 24, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201802-1290-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Evaluation of the American Apprenticeship Initiative (AAI) information collection. More specifically, this ICR seeks clearance for data collection activities conducted as part of the evaluation's implementation study of the AAI grants and impact study of employer outreach practices in a subset of the AAI grantees. American Competitiveness and Workforce Improvement Act of 1998 section 414(c) authorizes this information collection. *See* 29 U.S.C. 3224a(7).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a

collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on September 13, 2017 (82 FR 43038).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201802–1290–002. The OMB is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; 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.

Agency: DOL–OS.

Title of Collection: Evaluation of the American Apprenticeship Initiative.

OMB ICR Reference Number: 201802–1290–002.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 31.

Total Estimated Number of Responses: 1,688.

Total Estimated Annual Time Burden: 536 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 17, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–18153 Filed 8–22–18; 8:45 am]

BILLING CODE 4510–HX–P

OFFICE OF MANAGEMENT AND BUDGET

OMB Sequestration Update Report to the President and Congress for Fiscal Year 2019

AGENCY: Executive Office of the President, Office of Management and Budget.

ACTION: Notice of availability of the OMB Sequestration Update Report to the President and Congress for FY 2019.

SUMMARY: OMB is issuing the *OMB Sequestration Update Report to the President and Congress for Fiscal Year 2019* to report on the status of the discretionary caps and on the compliance of pending discretionary appropriations legislation with those caps.

DATES: The report is effective on August 20, 2018.

ADDRESSES: The OMB Sequestration Reports to the President and Congress is available on-line on the OMB home page at: *https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/*.

FOR FURTHER INFORMATION CONTACT: Thomas Tobasko, 6202 New Executive Office Building, Washington, DC 20503, Email address: *ttobasko@omb.eop.gov,* telephone number: (202) 395–5745, FAX number: (202) 395–4768. Because of delays in the receipt of regular mail related to security screening, respondents are encouraged to use electronic communications.

SUPPLEMENTARY INFORMATION: Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 requires the Office of Management and Budget (OMB) to issue a Sequestration Update Report by August 20th of each year. With regard to this update report and to each of the three required sequestration reports, section 254(b) specifically mandates that each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued and that OMB publish a notice announcing the report in the **Federal Register**. For fiscal year 2018, the report finds enacted appropriations to be at the spending limits. For fiscal year 2019, the report finds that, if the current caps remain unchanged, actions to date by the House of Representatives for the 12 annual appropriations bills would remain within both the defense and non-defense caps under OMB estimates. The report also finds that actions by the Senate for non-defense programs are within the caps but slightly over the defense cap by $7 million. OMB does not believe the breach in the defense cap by the Senate would trigger a sequestration in 2019, if enacted, because the breach can be attributed to estimating differences OMB has with the Congressional Budget Office and the Congress is expected to enact and allowance (as it has done in previous years) to account for such differences. Finally, the report contains OMB's Preview Estimate of the Disaster Relief Funding Adjustment for FY 2019. The calculation of the Preview Estimate takes into account changes in the disaster formula enacted in the Consolidated Appropriations Act, 2018.

John Mulvaney,

Director.

[FR Doc. 2018–18249 Filed 8–22–18; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE ''Promoting Urban Sustainability in the Arctic'' Reverse Site Visit (#10749).

Date and Time: September 25, 2018; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, Room C3090, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

Type of Meeting: Part Open.

Contact Person: Charles Estabrook, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone 703–292–7222.

Purpose of Meeting: NSF reverse site visit to conduct a review during year 2 of the five-year award period. To conduct an in depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda: See attached.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the reverse site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

PIRE NSF Reverse Site Visit Agenda—Orttung GWU

NSF Headquarters in Alexandria, Virginia

Tuesday, September 25, 2018

8:00 a.m. Panelists arrive. Coffee/light refreshments available
8:15 a.m.–8:45 a.m. Panel Orientation (OPEN), PIRE Rationale and Goals, Charge to Panel
8:45 a.m. PIs arrive. Introductions (OPEN)
9:00 a.m.–11:30 a.m. PIRE Project Presentation (OPEN)
Research
Integrating Research and Education
Students (*e.g.,* involvement in project, recruitment, diversity)
Project Management and Communication
Evaluation and Assessment
Institutional Support
International Partnerships
11:30 a.m.–12:30 p.m. Questions and Answers (OPEN)
12:30 p.m.–2:00 p.m. Working Lunch—Panel Discussion (CLOSED)
2:00 p.m.–2:30 p.m. Initial Feedback to PIRE PI and presenters (CLOSED)
2:30 p.m. PIRE PI and presenters are dismissed
2:30 p.m.–4:45 p.m. Panel Prepares Reverse Site Visit Report (CLOSED)
4:45 p.m.–5:00 p.m. Report presented to and discussion held with NSF staff (CLOSED)
5:00 p.m. End of Reverse Site Visit

[FR Doc. 2018–18222 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for Materials Research (DMR) (#1203)—Science and Technology Center on Real-Time Functional Imaging (STROBE) (Site Visit)

Date and Time:

September 24, 2018; 8:00 a.m.–8:00 p.m.
September 25, 2018; 8:00 a.m.–4:00 p.m.

Place: University of Colorado—Boulder, Sustainability, Energy and Environment Complex, CU Boulder East Campus, Boulder, Colorado 80303.

Type of Meeting: Part Open.

Contact Person: Dr. Charles Ying, Program Director, Division of Materials Research, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, Telephone (703) 292–8428.

Purpose of Meeting: Site visit to provide advice and recommendations concerning further support of the Science and Technology Center (STC).

Agenda

Monday, September 24, 2018

8:00 a.m.–11:00 a.m. Open—Review of STROBE STC
11:00 a.m.–8:00 p.m. Closed—Executive Session

Tuesday, September 25, 2018

8:00 a.m.–4:00 p.m. Closed—Executive Session

Reason for Closing: The work being reviewed during closed portions of the site review includes information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–18220 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

NAME AND COMMITTEE CODE: Proposal Review Panel for International Science and Engineering—PIRE ''Coastal Flood Risk Reduction Program: Integrated, multi-scale approaches for understanding how to reduce vulnerability to damaging events'' Site Visit (#10749).

DATE AND TIME: September 17, 2018; 8:00 a.m.–8:30 p.m., September 18, 2018; 8:30 a.m.–1:30 p.m.

PLACE: Texas A&M University at Galveston, Ocean and Coastal Studies Building, 1001 Texas Clipper Road, Galveston, TX 77554.

TYPE OF MEETING: Part Open.

CONTACT PERSON: Charles Estabrook, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone 703/292–7222.

PURPOSE OF MEETING: NSF site visit to conduct a review during year 2 of the five-year award period. To conduct an in depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

AGENDA: See attached.

REASON FOR CLOSING: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

PIRE NSF Site Visit Agenda—Brody TAMUG

Day 1 Monday, September 17, 2018

8:00 a.m.–9:00 a.m. Meet & Greet over continental breakfast (OPEN)
9:00 a.m.–9:30 a.m. PIRE overview (OPEN)
PIRE Rationale and Goals, accomplishments and future plans
Administration, Management, and Budget Plans
Facilities and Physical Infrastructure
Developing Human Resources
9:30 a.m.–10:00 a.m. Review of Responses to Issues by Past Reviewers (OPEN)
10:10 a.m.–10:30 a.m. NSF Executive Session/Break (CLOSED)
10:30 a.m.–10:40 a.m. Break
10:40 a.m.–11:30 a.m. Research (OPEN)
11:30 a.m.–Noon Students' Research Travel to the Netherlands (OPEN)
Noon–12:30 p.m. NSF Executive Session (CLOSED)
12:30 p.m.–1:30 p.m. Lunch—Discussion with Students (CLOSED)
1:30 p.m.–2:00 p.m. Education (OPEN)
2:00 p.m.–2:30 p.m. Integrating Research and Education (OPEN)
2:30 p.m.–3:00 p.m. Integrating Diversity (OPEN)
3:00 p.m.–3:30 p.m. NSF Executive Session/Break (CLOSED)
3:30 p.m.–4:15 p.m. Partnerships (OPEN)
4:15 p.m.–5:15 p.m. Wrap up (OPEN)
5:15 p.m.–6:15 p.m. Executive Session/Break—Develop issues for clarification (CLOSED)
6:15 p.m.–6:30 p.m. Critical Feedback Provided to PI (CLOSED)
7:00 p.m.–8:30 p.m. NSF Executive Session/Working Dinner (CLOSED)

Day 2 Tuesday, September 18, 2018

8:30 a.m.–9:30 a.m. Institutional Support (Administrators and PI/Co-PIs) (OPEN)

9:30 a.m.–10:30 a.m. Summary/Proposing Team Response to Critical Feedback (CLOSED)

10:30 a.m.–10:40 a.m. Break

10:40 a.m.–1:00 p.m. Site Review Team Prepares Site Visit Report (CLOSED) (11:45 a.m. Brown Bag Lunch Provided)

1:00 p.m.–1:30 p.m. Presentation of Site Visit Report to Principal Investigator (CLOSED)

[FR Doc. 2018–18221 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for International Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for International Science and Engineering—PIRE: Integrated Computational Materials Engineering for Active Materials and Interfaces in Chemical Fuel Production—(#10749) Site Visit.

Date and Time: September 24, 2018; 8:00 a.m.–9:30 p.m., September 25, 2018; 8:00 a.m.–4:30 p.m.

Place: University of Illinois—Urbana Champaign, Urbana, Illinois 61801.

Type of Meeting: Part Open.

Contact Person: Cassandra Dudka, PIRE Program Manager, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone 703/292–7250.

Purpose of Meeting: NSF site visit to conduct a review during year 3 of the five-year award period. To conduct an in-depth evaluation of performance, to assess progress towards goals, and to provide recommendations.

Agenda: See attached.

Reason for Closing: Topics to be discussed and evaluated during closed portions of the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C.552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

PIRE Site Visit Agenda—University of Illinois, Urbana-Champaign, Room 3269, Beckman Institute

Day 1—Monday, September 24, 2018

8:00 a.m.–9:00 a.m. Introduction to PIRE
PIRE Rationale and Goals; Administration, Management, and Budget Plans; N. Aluru (40 mins presentation + 20 mins Q&A)

9:00 a.m.–10:00 a.m. Research—Thrust 1: Novel Proton & Oxygen Ion Conducting Systems
L. Martin and H. Matsumoto (40 mins presentation + 20 mins Q&A)

10:00 a.m.–10:20 a.m. NSF Executive Session/Break, 3369 Beckman (CLOSED)

10:20 a.m.–11:20 a.m. Research—Thrust 2: Novel Electrodes—Chemistry & Microstructure
E. Ertekin, N. Perry, A. Staykov (45 mins presentation + 15 mins Q&A)

11:20 a.m.–11:30 a.m. Rapid Fire Poster Presentation by Students
All the students and postdocs present a 1 min introduction to their poster; If it is more than 10 students/postdocs, we will increase the time

11:30 a.m.–Noon Poster Session

Noon–12:30 p.m. NSF Executive Session 3369 Beckman (CLOSED)

12:30 p.m.–1:30 p.m. Lunch—Discussion with Students (CLOSED)

1:30 p.m.–2:30 p.m. Research—Thrust 3: Degradation—Mechanisms & Mitigation
S. Barnett and P. Sofronis (40 mins presentation + 20 mins Q&A)

2:30 p.m.–3:00 p.m. Education, Outreach, Human Resources, Diversity
E. Ertekin (20 mins presentation + 10 mins Q&A)

3:00 p.m.–3:30 p.m. NSF Executive Session/Break 3369 Beckman (CLOSED)

3:30 p.m.–4:00 p.m. Partnerships, Exchange, Evaluation
N. Aluru, P. Sofronis, H. Matsumoto, L. Rosu (20 mins presentation + 10 mins Q&A)

4:00 p.m.–5:30 p.m. Tour of Materials Research Laboratory (MRL)
Meet Dr. Mauro Sardela outside MRL Business Office Area (2nd Floor of MRL)

5:30 p.m.–6:15 p.m. Executive Session—Develop Questions and Areas for Clarification 3369 Beckman (CLOSED)

6:15 p.m.–6:30 p.m. Feedback to PIRE PIs

6:30 p.m. PIRE PI Executive Session (CLOSED)
PIRE PIs Prepare Response to NSF/Panel Questions

6:30 p.m.–8:30 p.m. NSF Executive Session/Working Dinner (CLOSED)
Committee organizes on its own

Day 2—Tuesday, September 25, 2018, Room 3269, Beckman Institute

8:30 a.m.–9:00 a.m. Institutional Support (CLOSED)
Jeffrey S. Moore, Director, Beckman Institute for Advanced Science and Technology
Meredith Blumthal, Director, International Programs (IPENG) College of Engineering

9:00 a.m.–10:00 a.m. PIRE PIs Response to Feedback (CLOSED)

10:00 a.m.–4:00 p.m. Site Review Team Prepares Site Visit Report 3369 Beckman (CLOSED)
Working Lunch Provided

4:00 p.m.–4:30 p.m. Presentation of Site Visit Report to PIRE PIs (CLOSED)

[FR Doc. 2018–18223 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Biological Sciences (#1110).

Date and Time:

September 20, 2018; 8:30 a.m.–5:00 p.m.
September 21, 2018; 8:30 a.m.–2:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E 2020, Alexandria, VA 22314.

Please contact Melody Jenkins at *mjenkins@nsf.gov* to obtain a visitor badge. All visitors to the NSF will be required to show photo ID to obtain a badge.

Type of Meeting: Open.

Contact Person: Brent Miller, National Science Foundation, 2415 Eisenhower Avenue, Room C 12016, Alexandria, VA 22314; Tel. No.: (703) 292–8400.

Purpose of Meeting: The Advisory Committee for the Directorate for Biological Sciences (BIO) provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Agenda items will include Directorate updates; Advisory Committee for Environmental Research

and Education and Committee on Equal Opportunities in Science and Engineering updates; a review of NSF's policy on sexual harassment, Committee of Visitor reports; discussion of National Ecological Observatory Network user engagement; programmatic activities within BIO and graduate education/training; updates on NSF's Big Ideas; and other matters relevant to the Directorate for Biological Sciences.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–18219 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: STC Cornell Site Visit Review for the Division of Physics (#1208).

Date and Time: September 10, 2018; 7:00 p.m.–8:00 p.m.; September 11, 2018; 8:15 a.m.–6:00 p.m.; September 12, 2018; 8:00 a.m.–4:00 p.m.

Place: Cornell University, Physics Building, Ithaca, New York 14850.

Type of Meeting: Part-Open.

Contact Person: Dr. James Whitmore, Program Director, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue, Room W 9217, Alexandria, VA 22314; Telephone: (703) 292–8908.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the project at the host site for the Division of Physics at the National Science Foundation.

Agenda

September 10, 2018

7:00 p.m.–8:00 p.m. NSF Executive Session (CLOSED)

September 11, 2018

8:15 a.m.–10:20 a.m. Welcome and brief introductions (STC Director introduces the center leadership team and, if present, university administrators): Overview of the center (20 min presentation, 10 min Q&A); Center organization and management (20 min presentation, 10 min Q&A): Building center's culture, including strategic planning (35 min presentation, 15 min Q&A) (OPEN)

10:20 a.m.–10:50 a.m. Break for center participants/NSF Executive Session (20 min) (CLOSED)

10:50 a.m.–12:05 p.m. Research: Goals/optimal outcomes and targets/milestones per strategic plan/Accomplishments to date (50 min presentation, 25 min Q&A) (OPEN)

12:05 p.m.–1:10 p.m. Lunch

1:10 p.m.–2:10 p.m. Research—continue (40 min presentation, 20 min Q&A) (OPEN)

2:10 p.m.–2:40 p.m. Break for center participants/NSF Executive Session (20 min) (CLOSED)

2:40 p.m.–4:30 p.m. Integration with education, diversity and knowledge transfer: Goals/optimal outcomes and targets/milestones per strategic plan/Accomplishments to date (60 min presentation, 30 min Q&A) (OPEN)

4:30 p.m.–6:00 p.m. NSF Executive Session/Break for center participants, Critical feedback with a list of questions that require clarification to the center leadership team (CLOSED)

September 12, 2018

8:00 a.m.–12:00 p.m. Meeting with university administrators (without any STC participants)/Institutional support (CLOSED)

12:00 p.m.–1:00 p.m. Lunch

1:00 p.m.–2:00 p.m. STC's response to the critical feedback (OPEN)

2:00 p.m.–4:00 p.m. Panelists prepare the site visit report (CLOSED)

Reason for Closing: The work being reviewed during closed portions of the site visit include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the project. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 20, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–18258 Filed 8–22–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0013]

Information Collection: Requests to Agreement States for Information

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, ''Requests to Agreement States for Information.''

DATES: Submit comments by October 22, 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–2018–0013. 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–2018–0013 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–2018–0013.
- *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. ML18107A720.

• *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–2018–0013 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:* Requests to Agreement States for Information.
2. *OMB approval number:* 3150–0029.
3. *Type of submission:* Revision.
4. *The form number, if applicable:* NA.
5. *How often the collection is required or requested:* One-time or as-needed.
6. *Who will be required or asked to respond:* Thirty-seven Agreement States who have signed Section 274(b) Agreements with the NRC and two additional States expected to have Section 274(b) Agreement's in fiscal year 2019.
7. *The estimated number of annual responses:* 351.
8. *The estimated number of annual respondents:* 39.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 2,808.
10. *Abstract:* The Agreement States will be asked on a one-time or as-needed basis to respond to a specific incident, to gather information on licensing and inspection practices or other technical information. The results of such information requests, which are authorized under Section 274(b) of the Atomic Energy Act, will be utilized in part by the NRC in preparing responses to Congressional inquiries.

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 17th day of August 2018.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–18146 Filed 8–22–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–382; NRC–2016–0078]

Entergy Operations, Inc; Waterford Steam Electric Station, Unit 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft supplemental environmental impact statement; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific Supplement 59, to ''Generic Environmental Impact Statement GEIS for License Renewal of Nuclear Plants'' NUREG–1437, regarding the renewal of Entergy Nuclear Operations, Inc. (Entergy) operating license NPF–38 for Waterford 3 for an additional 20 years of operation. Possible alternatives to the proposed action (license renewal) include the no action alternative and reasonable alternative energy sources.

DATES: Submit comments by October 9, 2018. Comments received after this date will be considered, if it is practical to do so, but the NRC staff 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 (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0078. 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, Chief 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: Elaine Keegan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 1–800–368–5642, extension 8517; email: *Elaine.Keegan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0078 when contacting the NRC about the availablitiy 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–2016–0078.

• *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 draft plant-specific supplement GEIS is available in ADAMS under Accession No. ML18227A028.

• *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–2016–0078 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 posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comments 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 submissions into ADAMS.

II. Discussion

The NRC is issuing for public comment the draft plant-specific Supplement 59 to the GEIS for license renewal of nuclear plants, NUREG–1437, regarding the renewal of operating license, NPF–38 for an additional 20 years of operation for Waterford 3. Supplement 59 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is that the adverse environmental impacts of license renewal for Waterford 3 are not great enough to deny the option of license renewal for energy-planning decisionmakers.

Dated at Rockville, Maryland, this 20th day of August, 2018.

For the Nuclear Regulatory Commission.

Eric R. Oesterle,

Chief, License Renewal Project Branch, Division of Materials and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–18173 Filed 8–22–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0210]

Information Collection: Requests to Non-Agreement States for Information

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 renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ''Requests to Non-Agreement States for Information.''

DATES: Submit comments by September 24, 2018.

ADDRESSES: Submit comments directly to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0200), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 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 Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0210 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–2017–0210. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2017–0210 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 ''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. ML18171A298.

• *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, DC 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, ''Requests to Non-Agreement States for Information.'' 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 2, 2018, (83 FR 14064).

1. *The title of the information collection:* Requests to Non-Agreement States for Information.
2. *OMB approval number:* 3150–0200.
3. *Type of submission:* Revision.
4. *The form number if applicable:* Not Applicable.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* Non-Agreement States.
7. *The estimated number of annual responses:* 120 responses.
8. *The estimated number of annual respondents:* 15 respondents.
9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 840 hours.
10. *Abstract:* Occasionally, requests may be made of Non-Agreement States to provide a more complete overview of the national program for regulating radioactive materials. This information would be used in the decision-making of the Commission. The legal basis is that section 274(a)(3) of the Atomic Energy Act authorizes and directs the NRC to cooperate with the States to promote an orderly regulatory pattern between the Commission and State governments with respect to nuclear development and use and regulation of byproduct, source, and special nuclear materials. Information requests sought from Non-Agreement States may take the form of one-time surveys, *e.g.,* telephonic and electronic surveys/polls and facsimiles (questionnaires).

Dated at Rockville, Maryland, this 17th day of August 2018.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2018–18145 Filed 8–22–18; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE: Thursday, September 13, 2018 1 p.m. (OPEN Portion), 1:15 p.m. (CLOSED Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW, Washington, DC

STATUS: Meeting OPEN to the Public from 1 p.m. to 1:15 p.m. Closed portion will commence at 1:15 p.m. (approx.).

MATTERS TO BE CONSIDERED:

1. President's Report
2. Minutes of the Open Session of the June 14, 2018, Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED: (Closed to the Public 1:15 p.m.)

1. Insurance Project—Ethiopia
2. Finance Project—Ghana
3. Finance Project—Nigeria
4. Finance Project—Paraguay
5. Finance Project—Guatemala
6. Finance Project—El Salvador and Panama
7. Finance Project—Pakistan
8. Finance Project—South and Southeast Asia
9. Finance Project—Southeast Asia
10. Proposed FY 2020 Budget
11. Minutes of the Closed Session of the June 14, 2018, Board of Directors Meeting
12. Reports
13. Pending Projects

CONTACT PERSON FOR MORE INFORMATION: Information on the meeting may be obtained from Catherine F. I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: August 21, 2018.

Catherine Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2018–18335 Filed 8–21–18; 11:15 am]

BILLING CODE 3210–01–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 23, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 44 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–210, CP2018–292.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–18225 Filed 8–22–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* August 23, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on August 20, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 86 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–211, CP2018–293.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–18226 Filed 8–22–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83878; File No. SR–CboeBZX–2018–061]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

notice is hereby given that on August 9, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees schedule relating to the Options Regulatory Fee.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement proposed changes to its Fees Schedule for its equity options platform (''BZX Options'') to clarify how the Options Regulatory Fee (''ORF'') is assessed and collected.

Background

By way of background, the ORF is assessed by the Exchange to each Member for options transactions cleared by the Member that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (*i.e.,* transactions that clear in a customer account at OCC) regardless of the exchange on which the transaction occurs. The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities.[5] The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Members of adjustments to the ORF via an exchange notice. The Exchange provides Members with such notice at least 30 calendar days prior to the effective date of the change.

Under the Exchange's current process, the ORF is assessed to Members and collected indirectly from Members through their clearing firms by OCC on behalf of the Exchange. The following scenarios reflect how the ORF is assessed and collected (these apply regardless if the transaction is executed on the Exchange or on an away exchange):

1. If a Member is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a different Member that clears the transaction (''Clearing Give-up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-up.

3. If the Executing Clearing Firm is a non-Member and the Clearing Give-up is a Member, the ORF is assessed to and collected from the Clearing Give-up.

4. As of August 1, 2018, if a Member is the Executing Clearing Firm and a non-Member is the Clearing Give-up, the ORF will be assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but will be collected from the non-Member Clearing Give-up (for the reasons described below). The Exchange notes that this assessment is consistent with how ORF is assessed and collected on two of the Exchange's affiliated exchanges.[6]

5. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-Up are Members.

The Exchange currently uses an OCC file that summarizes total trades cleared in the customer range by OCC number to determine the Executing Clearing Firm and the Clearing Give-up. As of August 1, 2018, the Exchange will use a different and more detailed OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[7]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') arrangement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-Member), by OCC on behalf of the Exchange. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-Up are Members. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm). This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[8]

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation. *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

[6] *See* Securities Exchange Act Release No. 82164 (November 28, 2017), 82 FR 231 (December 4, 2017) (SR–CBOE–2017–074) and Securities Exchange Act Release No. 82163 (November 28, 2017), 82 FR 231 (December 4, 2017) (SR–C2–2017–031).

[7] The Exchange notes that in the case where a non-self-clearing Member executes a transaction on the Exchange, the Member's guaranteeing Clearing Member is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[8] The Exchange notes that OCC provides the Exchange and other exchanges with information to

Proposed Amendments to the Fees Schedule

The Exchange proposes to amend its Fees Schedule in the following respects to clarify how the ORF is assessed and collected.

First, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is assessed by the Exchange to each Member for options transactions cleared by the Member (as opposed to ''all'' options transaction ''executed and cleared'' by the Member) that are cleared by OCC in the customer range regardless of the exchange on which the transaction occurs. Because the ORF is always assessed to a Clearing Member, the Exchange proposes to remove the words ''executed and, or simply'' from the Fee Schedule description of the ORF to clarify that the ORF is assessed for options transactions cleared by a Member.

Second, the Exchange proposes to make explicit that the Exchange uses reports from OCC when assessing and collecting the ORF, as noted above.

Third, the Exchange proposes to make clear in the Fees Schedule, that as of August 1, 2018, the ORF will be collected by OCC on behalf of the Exchange from the Clearing Member or non-Clearing Member that ultimately clears the transaction. While the ORF is an obligation of Members, due to industry request the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is a not a Member. The Exchange, OCC and the industry agreed to this collection method in response to comments that by collecting the ORF in this manner Members and non-Members could more easily pass-through the ORF to their customers. As such, in scenario 4 above the ORF is collected from the non-Clearing Member that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing of the fee to the end-customer. In those cases where the ORF is collected from a non-Clearing Member, the Exchange (through OCC) collects the ORF as a convenience for the Member whose obligation it is to pay the fee to the Exchange.

Fourth, the Exchange proposes to clarify its process for assessing the ORF on linkage transactions. An options order entered on the Exchange may be routed to and executed on another exchange pursuant to the Options Order Protection and Locked/Crossed Market Plan. The Exchange may engage a routing broker to provide routing services (''Routing Services'') to facilitate linkage transactions. A customer order routed by a routing broker for execution at another exchange results in a transaction on that exchange and an obligation of the routing broker to pay the options regulatory fee, if any, of that exchange. After receiving a fill on the away exchange, the routing broker trades against the original order entered on the Exchange and incurs the BZX Options ORF. Pursuant to its agreement with the routing broker, the Exchange reimburses the routing broker for any options regulatory fee assessed by the Exchange and by the away market on which the customer order was executed. As a result, only the original customer order executed on the Exchange is assessed the ORF. The Exchange proposes to amend its Fees Schedule to clarify that, with respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services for options regulatory fees it incurs in connection with the Routing Services it provides.

Fifth, the Exchange proposes to change the method it uses to assess the ORF to better align with the Exchange's Fees Schedule. Currently, the Exchange assesses the ORF to a Member based on the OCC clearing number(s) that the Member registers with the Exchange. A Member may have additional OCC clearing numbers that are not registered with the Exchange because they are used by the Member to clear activity on other exchanges. If a Member uses a non-BZX Options registered OCC clearing number on a transaction and that clearing number is denoted as the Executing Clearing Firm or the Clearing Give-up, the ORF is not assessed to that transaction because the clearing number is not known to the Exchange. Such transactions are subject to the ORF under the Exchange's Fees Schedule because the Executing Clearing Firm or the Clearing Give-up was a Member. The ORF is assessed at the Member entity level, not at the OCC clearing number level. In order to conform its ORF billing practice to its Fees Schedule, the Exchange proposes to amend the Fees Schedule to require Members, pursuant to BZX Options Rule 24.1,[9] to provide the Exchange with a complete list of its OCC clearing numbers. The Exchange would use the list provided solely for ORF billing purposes. Members would be required to keep such information up to date with the Exchange. The Exchange will issue an Exchange Notice to provide Members with notice of this change and a deadline for initial submission of its OCC clearing numbers list. The Exchange expects to implement this change for August 2018 ORF billing in order for the Exchange to provide Members with notice of this new requirement and time to comply.

The Exchange lastly proposes a couple of minor clean up changes to the Fees Schedule such as defining the ''OCC'' as ''The Options Clearing Corporation''.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed clarifications to the Fees Schedule with respect to how ORF is assessed and collected provides further transparency in the Fees Schedule and alleviates potential confusion. The alleviation of

assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

[9] BZX Options Rule 24.1 provides that no Member shall refuse to make available to the Exchange such books, records or other information as may be called for under the Rules or as may be requested in connection with an investigation by the Exchange.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(4).

confusion 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.

Additionally, the Exchange notes that the proposal to clarify that the ORF is assessed to Members for options transactions cleared by the Member (as opposed to executed and cleared) is appropriate and equitable because it adds clarity to the Fee Schedule by better and more accurately describing the application of the ORF. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to its Members' activities supports applying the ORF to transactions cleared by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activity, including performing surveillance for position limit violations, manipulation, insider trading, front-running and contrary exercise advice violations. The Exchange believes the proposal is equitable and not unfairly discriminatory because it applies in the same manner to Members subject to the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the Executing Clearing Firm or the Clearing Give-up.

The Exchange believes the proposal to collect the ORF from non-Members that ultimately clear the transaction is an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The Exchange does not assess the ORF to non-Members. The ORF is an obligation of Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from a Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing number of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing number of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member. The Exchange believes that this collection practice is reasonable and appropriate, and was originally instituted at the request of the industry for the ORF be collected from the clearing firm that ultimately clears the transaction in order to facilitate the passing of the fee to the end-customer.

The Exchange believes that the proposal to clarify that the ORF is collected by OCC on behalf of the Exchange from the Clearing Member that ultimately clears the transaction also provides clarity in the Fee Schedule and is reasonable. As discussed, if the ORF is assessed to a Member for a particular transaction and there was no change to the clearing number of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing number of the original transaction and another Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from the Member that ultimately cleared the transaction. Similarly, as noted above, if there is a change to the clearing number of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member.

The Exchange believes it is reasonable, equitable and nondiscriminatory not to pass the ORF to a CMTA transferee when neither the CMTA transferor, transferee nor executing Clearing Firm is a Member because this would help ensure the ORF is not collected on any transactions that may not be subject to the ORF.

The Exchange also believes it is reasonable, equitable and nondiscriminatory to reimburse its routing broker for any options regulatory fees the broker incurs in connection with Routing Services because this helps ensure the Exchange does not charge the ORF more than once to a single customer order.

Lastly, the Exchange believes the minor clean-up change to define ''OCC reduces confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and paragraph (f) of Rule 19b–4 thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CboeBZX–2018–061 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 No. SR-CboeBZX–2018–061. 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

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

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 No. SR–CboeBZX–2018–061, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18163 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83880; File No. SR–CboeEDGX–2018–033]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 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 August 9, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its Fees Schedule relating to the Options Regulatory Fee.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to implement proposed changes to its Fees Schedule for its equity options platform (''BZX [sic] Options'') to clarify how the Options Regulatory Fee (''ORF'') is assessed and collected.

Background

By way of background, the ORF is assessed by the Exchange to each Member for options transactions cleared by the Member that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (*i.e.,* transactions that clear in a customer account at OCC) regardless of the exchange on which the transaction occurs. The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Member customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities.[5] The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Members of adjustments to the ORF via an exchange notice. The Exchange provides Members with such notice at least 30 calendar days prior to the effective date of the change.

Under the Exchange's current process, the ORF is assessed to Members and collected indirectly from Members through their clearing firms by OCC on behalf of the Exchange. The following scenarios reflect how the ORF is assessed and collected (these apply regardless if the transaction is executed on the Exchange or on an away exchange):

1. If a Member is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that Member by OCC on behalf of the Exchange.

2. If a Member is the Executing Clearing Firm and the transaction is ''given up'' to a different Member that clears the transaction (''Clearing Give-up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-up.

3. If the Executing Clearing Firm is a non-Member and the Clearing Give-up is a Member, the ORF is assessed to and collected from the Clearing Give-up.

[5] The Exchange notes that its regulatory responsibilities with respect to Member compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation. *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

4. As of August 1, 2018, if a Member is the Executing Clearing Firm and a non-Member is the Clearing Give-up, the ORF will be assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but will be collected from the non-Member Clearing Give-up (for the reasons described below). The Exchange notes that this assessment is consistent with how ORF is assessed and collected on two of the Exchange's affiliated exchanges.[6]

5. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-Up are Members.

The Exchange currently uses an OCC file that summarizes total trades cleared in the customer range by OCC number to determine the Executing Clearing Firm and the Clearing Give-up. As of August 1, 2018, the Exchange will use a different and more detailed OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[7]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') arrangement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-Member), by OCC on behalf of the Exchange. No ORF is assessed if neither the Executing Clearing Firm nor the Clearing Give-Up are Members. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm). This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[8]

Proposed Amendments to the Fees Schedule

The Exchange proposes to amend its Fees Schedule in the following respects to clarify how the ORF is assessed and collected.

First, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is assessed by the Exchange to each Member for options transactions cleared by the Member (as opposed to ''all'' options transaction ''executed and cleared'' by the Member) that are cleared by OCC in the customer range regardless of the exchange on which the transaction occurs. Because the ORF is always assessed to a Clearing Member, the Exchange proposes to remove the words ''executed and, or simply'' from the Fee Schedule description of the ORF to clarify that the ORF is assessed for options transactions cleared by a Member.

Second, the Exchange proposes to make explicit that the Exchange uses reports from OCC when assessing and collecting the ORF, as noted above.

Third, the Exchange proposes to make clear in the Fees Schedule, that as of August 1, 2018, the ORF will be collected by OCC on behalf of the Exchange from the Clearing Member or non-Clearing Member that ultimately clears the transaction. While the ORF is an obligation of Members, due to industry request the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is a not a Member. The Exchange, OCC and the industry agreed to this collection method in response to comments that by collecting the ORF in this manner Members and non-Members could more easily pass-through the ORF to their customers. As such, in scenario 4 above the ORF is collected from the non-Clearing Member that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing of the fee to the end-customer. In those cases where the ORF is collected from a non-Clearing Member, the Exchange (through OCC) collects the ORF as a convenience for the Member whose obligation it is to pay the fee to the Exchange.

Fourth, the Exchange proposes to clarify its process for assessing the ORF on linkage transactions. An options order entered on the Exchange may be routed to and executed on another exchange pursuant to the Options Order Protection and Locked/Crossed Market Plan. The Exchange may engage a routing broker to provide routing services (''Routing Services'') to facilitate linkage transactions. A customer order routed by a routing broker for execution at another exchange results in a transaction on that exchange and an obligation of the routing broker to pay the options regulatory fee, if any, of that exchange. After receiving a fill on the away exchange, the routing broker trades against the original order entered on the Exchange and incurs the BZX [sic] Options ORF. Pursuant to its agreement with the routing broker, the Exchange reimburses the routing broker for any options regulatory fee assessed by the Exchange and by the away market on which the customer order was executed. As a result, only the original customer order executed on the Exchange is assessed the ORF. The Exchange proposes to amend its Fees Schedule to clarify that, with respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services for options regulatory fees it incurs in connection with the Routing Services it provides.

Fifth, the Exchange proposes to change the method it uses to assess the ORF to better align with the Exchange's Fees Schedule. Currently, the Exchange assesses the ORF to a Member based on the OCC clearing number(s) that the Member registers with the Exchange. A Member may have additional OCC clearing numbers that are not registered with the Exchange because they are used by the Member to clear activity on other exchanges. If a Member uses a non-BZX [sic] Options registered OCC clearing number on a transaction and that clearing number is denoted as the Executing Clearing Firm or the Clearing Give-up, the ORF is not assessed to that transaction because the clearing number is not known to the Exchange. Such transactions are subject to the ORF under the Exchange's Fees Schedule because the Executing Clearing Firm or the Clearing Give-up was a Member. The ORF is assessed at the Member entity level, not at the OCC clearing number level. In order to conform its ORF billing practice to its Fees Schedule, the Exchange proposes to amend the Fees Schedule to require Members, pursuant to BZX [sic] Options Rule 24.1,[9] to provide the Exchange with a complete list of its OCC clearing numbers. The Exchange would use the

[6] *See* Securities Exchange Act Release No. 82164 (November 28, 2017), 82 FR 231 (December 4, 2017) (SR–CBOE–2017–074) and Securities Exchange Act Release No. 82163 (November 28, 2017), 82 FR 231 (December 4, 2017) (SR–C2–2017–031).

[7] The Exchange notes that in the case where a non-self-clearing Member executes a transaction on the Exchange, the Member's guaranteeing Clearing Member is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[8] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

[9] BZX [sic] Options Rule 24.1 provides that no Member shall refuse to make available to the Exchange such books, records or other information as may be called for under the Rules or as may be requested in connection with an investigation by the Exchange.

list provided solely for ORF billing purposes. Members would be required to keep such information up to date with the Exchange. The Exchange will issue an Exchange Notice to provide Members with notice of this change and a deadline for initial submission of its OCC clearing numbers list. The Exchange expects to implement this change for August 2018 ORF billing in order for the Exchange to provide Members with notice of this new requirement and time to comply.

The Exchange lastly proposes a couple of minor clean up changes to the Fees Schedule such as defining the ''OCC'' as ''The Options Clearing Corporation''.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed clarifications to the Fees Schedule with respect to how ORF is assessed and collected provides further transparency in the Fees Schedule and alleviates potential confusion. The alleviation of confusion 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.

Additionally, the Exchange notes that the proposal to clarify that the ORF is assessed to Members for options transactions cleared by the Member (as opposed to executed and cleared) is appropriate and equitable because it adds clarity to the Fee Schedule by better and more accurately describing the application of the ORF. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to its Members' activities supports applying the ORF to transactions cleared by a Member. The Exchange's regulatory responsibilities are the same regardless of whether a Member executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activity, including performing surveillance for position limit violations, manipulation, insider trading, front-running and contrary exercise advice violations. The Exchange believes the proposal is equitable and not unfairly discriminatory because it applies in the same manner to Members subject to the ORF. The ORF is only assessed to a Member with respect to a particular transaction in which it is either the Executing Clearing Firm or the Clearing Give-up.

The Exchange believes the proposal to collect the ORF from non-Members that ultimately clear the transaction is an equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The Exchange does not assess the ORF to non-Members. The ORF is an obligation of Members. Once, however, the ORF is assessed to a Member for a particular transaction, the ORF may be collected from a Member or a non-Member, depending on how the transaction is cleared at OCC. If there was no change to the clearing number of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing number of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member. The Exchange believes that this collection practice is reasonable and appropriate, and was originally instituted at the request of the industry for the ORF be collected from the clearing firm that ultimately clears the transaction in order to facilitate the passing of the fee to the end-customer.

The Exchange believes that the proposal to clarify that the ORF is collected by OCC on behalf of the Exchange from the Clearing Member that ultimately clears the transaction also provides clarity in the Fee Schedule and is reasonable. As discussed, if the ORF is assessed to a Member for a particular transaction and there was no change to the clearing number of the original transaction, the ORF would be collected from the Member. If there was a change to the clearing number of the original transaction and another Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from the Member that ultimately cleared the transaction. Similarly, as noted above, if there is a change to the clearing number of the original transaction and a non-Member becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Member.

The Exchange believes it is reasonable, equitable and nondiscriminatory not to pass the ORF to a CMTA transferee when neither the CMTA transferor, transferee nor Executing Clearing Firm is a Member because this would help ensure the ORF is not collected on any transactions that may not be subject to the ORF.

The Exchange also believes it is reasonable, equitable and nondiscriminatory to reimburse its routing broker for any options regulatory fees the broker incurs in connection with Routing Services because this helps ensure the Exchange does not charge the ORF more than once to a single customer order.

Lastly, the Exchange believes the minor clean-up change to define ''OCC reduces confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78f(b)(4).

The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and paragraph (f) of Rule 19b–4 thereunder.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CboeEDGX–2018–033 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 No. SR–CboeEDGX–2018–033. 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 No. SR–CboeEDGX–2018–033, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18165 Filed 8–22–18; 8:45 am]

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[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83887]

Order Granting Applications by Nasdaq ISE, LLC, Nasdaq GEMX, LLC, and Nasdaq MRX, LLC for Exemption Pursuant to Section 36(a) of the Exchange Act From the Rule Filing Requirements of Section 19(b) of the Exchange Act With Respect to Certain Rules Incorporated by Reference

August 20, 2018.

Nasdaq ISE, LLC (''ISE''), Nasdaq GEMX, LLC (''GEMX''), and Nasdaq MRX, LLC (''MRX'') (each, a ''Nasdaq Exchange,'' and collectively, the ''Nasdaq Exchanges'') have filed with the Securities and Exchange Commission (''Commission'') an application for an exemption under Section 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] from the rule filing requirements of Section 19(b) of the Exchange Act [2] with respect to certain rules of Nasdaq BX, Inc. (''BX''), an affiliate of the Nasdaq Exchanges, that the Nasdaq Exchanges seek to incorporate by reference.[3] Section 36 of the Exchange Act authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors.

Recently, the Nasdaq Exchanges each filed a proposed rule change [4] under Section 19(b) of the Exchange Act to largely replace their existing investigatory, disciplinary, and adjudicatory rules with those contained in the BX Rule 8000 and 9000 Series, as such rules may be in effect from time to time. In the proposed rule changes, the Nasdaq Exchanges proposed to incorporate by reference the BX Rule 8000 and 9000 Series into new Chapters 80 and 90 of their respective rulebooks, and thus make these BX Rules applicable to their members, associated persons, and other persons subject to their jurisdiction. When the proposed rule changes become operative, Nasdaq Exchange members, associated persons, and other persons subject to the jurisdiction of the Nasdaq Exchanges will be required to comply with the BX Rule 8000 and 9000 Series as though such rules are fully set forth within each of the Nasdaq Exchange's rulebooks.

The Nasdaq Exchanges have requested, pursuant to Rule 0–12 under the Exchange Act,[5] that the Commission grant the Nasdaq Exchanges an exemption from the rule filing requirements of Section 19(b) of the Exchange Act for changes to each of the Nasdaq Exchange's rules that are effected solely by virtue of a change to the BX Rule 8000 and 9000 Series that are incorporated by reference. Specifically, the Nasdaq Exchanges request that they be permitted to incorporate by reference changes made to the BX Rule 8000 and 9000 Series that are cross-referenced in each of the Nasdaq Exchange's rules, without the need for each Nasdaq Exchange to file separately the same proposed rule changes pursuant to Section 19(b) of the Exchange Act.[6]

[1] 15 U.S.C. 78mm(a)(1).

[2] 15 U.S.C. 78s(b).

[3] *See* Letter from Brett M. Kitt, Senior Associate General Counsel, Nasdaq Inc., to Brent Fields, Secretary, Commission, dated July 16, 2018 (''Exemptive Request'').

[4] *See* Securities Exchange Act Release Nos. 83703 (July 25, 2018) (SR–ISE–2018–59); 83704 (July 25, 2018) (SR–GEMX–2018–24); and 83705 (July 25, 2018) (SR–MRX–2018–23).

[5] 17 CFR 240.0–12.

[6] *See* Exemptive Request, *supra* note 3, at 2.

The Nasdaq Exchanges represent that the BX Rule 8000 and 9000 Series are not trading rules. Moreover, the Nasdaq Exchanges state that in each instance, the Nasdaq Exchanges propose to incorporate by reference categories of rules (rather than individual rules within a category) that are regulatory in nature. The Nasdaq Exchanges will, as a condition of this exemption, provide written notice to their members whenever BX proposes a change to its Rule 8000 and 9000 Series.[7] Such notice will alert the members of each Nasdaq Exchange to the proposed rule change and give them an opportunity to comment on the proposal. The Nasdaq Exchanges state that they will also inform members in writing when the Commission approves any such proposed changes.[8]

The Nasdaq Exchanges believe this exemption is necessary and appropriate, because it will result in the Nasdaq Exchanges' rules being consistent with the relevant cross-referenced BX rules at all times, thus ensuring that the Nasdaq Exchanges and BX maintain a harmonious system of investigating, disciplining, and adjudicating the rights of their respective members, associated persons, and other persons subject to their jurisdiction. Without such an exemption, members of the Nasdaq Exchanges and BX could become subject to different standards for investigations and disciplinary actions.[9]

The Commission has issued exemptions similar to the Nasdaq Exchanges' request.[10] In granting one such exemption in 2010, the Commission repeated a prior, 2004 Commission statement that it would consider similar future exemption requests from other self-regulatory organizations (''SROs''), provided that:

- An SRO wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in Section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission's release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act; [11]
- The incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (*e.g.,* the SRO has requested incorporation of rules such as margin, suitability, or arbitration); and
- The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.[12]

The Commission believes that the Nasdaq Exchanges have satisfied each of these conditions. The Commission also believes that granting the Nasdaq Exchanges an exemption from the rule filing requirements under Section 19(b) of the Exchange Act will promote efficient use of Commission and Nasdaq Exchange resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO.[13] The Commission therefore finds it appropriate in the public interest and consistent with the protection of investors to exempt the Nasdaq Exchanges from the rule filing requirements under Section 19(b) of the Exchange Act with respect to the above-described rules they have incorporated by reference. This exemption is conditioned upon the Nasdaq Exchanges promptly providing written notice to their members whenever the BX changes a rule that the Nasdaq Exchanges have incorporated by reference.

Accordingly, it is ordered, pursuant to Section 36 of the Exchange Act,[14] that the Nasdaq Exchanges are exempt from the rule filing requirements of Section 19(b) of the Exchange Act solely with respect to changes to the rules identified in their request that incorporate by reference certain BX rules that are the result of changes to such BX rules, provided that the Nasdaq Exchanges promptly provide written notice to their members whenever the BX proposes to change a rule that the Nasdaq Exchanges have incorporated by reference.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18278 Filed 8–22–18; 8:45 am]

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[7] The Nasdaq Exchanges state that they will provide such notice on their websites in the same section they use to post their own proposed rule change filings pursuant to Rule 19b–4(*l*) within the timeframe required by such Rule. In addition, the Nasdaq Exchanges state that their website will also include a link to the BX website where the proposed rule change filings are located. *Id.* at 3.

[8] *Id.*

[9] *Id.* at 2.

[10] *See, e.g.,* Securities Exchange Act Release Nos. 80338 (March 29, 2017), 82 FR 16464 (April 4, 2017) (order granting exemptive request from MIAX PEARL, LLC relating to rules of Miami International Securities Exchange, LLC incorporated by reference); 72650 (July 22, 2014), 79 FR 44075 (July 29, 2014) (order granting exemptive requests from NASDAQ OMX BX, Inc. and the NASDAQ Stock Market LLC relating to rules of NASDAQ OMX PHLX LLC incorporated by reference); 67256 (June 26, 2012), 77 FR 39277, 39286 (July 2, 2012) (order approving SR–BX–2012–030 and granting exemptive request relating to rules incorporated by reference by the BX Options rules); 61534 (February 18, 2010), 75 FR 8760 (February 25, 2010) (order granting BATS Exchange, Inc.'s exemptive request relating to rules incorporated by reference by the BATS Exchange Options Market rules) (''BATS Options Market Order''); and 57478 (March 12, 2008), 73 FR 14521, 14539–40 (March 18, 2008) (order approving SR–NASDAQ–2007–004 and SR–NASDAQ–2007–080, and granting exemptive request relating to rules incorporated by reference by The NASDAQ Options Market).

[11] *See* 17 CFR 240.0–12 and Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998) (''Commission Procedures for Filing Applications for Orders for Exemptive Relief Pursuant to Section 36 of the Exchange Act; Final Rule'').

[12] *See* BATS Options Market Order, *supra* note 10 (citing Securities Exchange Act Release No. 49260 (February 17, 2004), 69 FR 8500 (February 24, 2004) (order granting exemptive request relating to rules incorporated by reference by several SROs) (''2004 Order'')).

[13] *See* BATS Options Market Order, *supra* note 10, 75 FR at 8761; *see also* 2004 Order, *supra* note 12, 69 FR at 8502.

[14] 15 U.S.C. 78mm.

[15] 17 CFR 200.30–3(a)(76).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83876; File No. SR–C2–2018–017]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 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 August 9, 2018, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee.

The text of the proposed rule change is also available on the Exchange's

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

website (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to decrease the Options Regulatory Fee (''ORF'') from $.0014 per contract to $.0011 per contract in order to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, meets the Exchange's total regulatory costs.[3]

The ORF is assessed by C2 Options to each Trading Permit Holder (''TPH'') for options transactions cleared by the TPH that are cleared by the Options Clearing Corporation (OCC) in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a TPH, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder (''CTPH'') or non-CTPH that ultimately clears the transaction. With respect to linkage transactions, C2 Options reimburses its routing broker providing Routing Services pursuant to C2 Options Rule 6.15 for options regulatory fees it incurs in connection with the Routing Services it provides.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as human resources, legal, information technology and accounting. These indirect expenses are estimated to be approximately 6% of C2 Options' total regulatory costs for 2018. Thus, direct expenses are estimated to be approximately 94% of total regulatory costs for 2018. In addition, it is C2 Options' practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2018 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange also notes that its regulatory responsibilities with respect to TPH compliance with options sales practice rules have largely been allocated to FINRA under a 17d-2 agreement.[4] The ORF is not designed to cover the cost of that options sales practice regulation.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies TPHs of adjustments to the ORF via regulatory circular. The Exchange endeavors to provide TPHs with such notice at least 30 calendar days prior to the effective date of the change.

The Exchange lastly proposes a couple of minor clean up changes to the Fees Schedule. Particularly, the ORF is listed as being $.0015 per contract through January 31, 2018 and $0.0014 per contract effective February 1, 2018. As these dates have passed and the ORF is now simply $0.0011 per contract, the Exchange proposes to delete the reference to the ORF being $0.0015 per contract through January 31, 2018 and the February 1, 2018 effective date of the $0.0014 per contract ORF.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[6] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* TPH proprietary transactions) of its regulatory program.[8] The Exchange believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all

[3] The Exchange initially filed the proposed fee change on August 1, 2018 (SR–C2–2018–016) for August 1, 2018 effectiveness. On business date August 9, 2018, the Exchange withdrew that filing and submitted this filing.

[4] *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

TPHs on all their transactions that clear in the customer range at the OCC.

The Exchange believes the proposal to eliminate obsolete language with respect to past ORF rates maintains clarity in the rules and alleviates potential confusion, thereby protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and paragraph (f) of Rule 19b–4 [10] 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

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 No. SR–C2–2018–017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–C2–2018–017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–C2–2018–017, and should be submitted on or before September 13, 2018.

[11] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18161 Filed 8–22–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83870; File No. SR–CBOE–2018–056]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Adopt Exchange Rule 6.57, Risk-Weighted Assets ("RWA") Transactions

August 17, 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 August 8, 2018, Cboe Exchange, Inc. (the "Exchange" or "Cboe Options") 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules to adopt Rule 6.57 to facilitate the reduction of SPX options positions maintained by Cboe Options Market-Makers.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 adopt Rule 6.57 to facilitate the reduction of SPX options positions maintained by Cboe Options Market-Makers. Specifically, the Exchange proposes to allow Trading Permit Holders (''TPHs'') to execute a risk-weighted asset package (''RWA Package'') on the trading floor provided that the requirements set forth in Rule 6.57 are satisfied.

Market-Makers are the primary source of liquidity for listed options; as such, Market-Maker liquidity is critically important to a functioning options market. However, bank capital regulations that govern bank-affiliated clearing firms are negatively impacting the ability of Market-Makers clearing through bank-affiliated clearing firms to provide liquidity. The Exchange believes reducing open SPX options positions enables Market-Makers to continue to provide the liquidity that is critical to the options markets because reducing open SPX positions helps to reduce risk-weighted assets (RWA) attributable to SPX options positions. The Exchange developed Rule 6.56 (Compression Forums) to facilitate the reduction of open options positions in SPX (and concomitant RWA). Although the compression forums have seen limited success in reducing open SPX positions, the compression forums do not provide an adequate mechanism for Market-Makers to reduce open SPX positions across numerous options series in one large transaction, and the Exchange believes the ability for Market-Makers to efficiently and effectively reduce open SPX positions across numerous options series in one large transaction will help to reduce the risk of market dislocation, especially during periods of increased volume and volatility.

Compression forums are an inadequate, inefficient mechanism to close open SPX positions across numerous options series in one transaction partly because the files the Exchange generates pursuant to Rule 6.56 only identify individual series, call spreads, put spreads, and box spreads for which there is offsetting interest. This means that the SPX positions identified by the Exchange pursuant to Rule 6.56 have, at most, four legs (by definition box spreads have four legs and put/call spreads have two legs), whereas the proposed RWA Package will, by definition, contain at least 50 legs, which alone demonstrates that the proposed RWA Package is a more efficient mechanism for closing open SPX positions across numerous options series in one large transaction. Moreover, the process of executing the offsetting positions identified by the Exchange pursuant to Rule 6.56 is much less efficient than the instant RWA Package proposal. For example, under Rule 6.56 the Exchange identifies offsetting positions for individual firms that submit their SPX positions in accordance with Rule 6.56. Depending on the size of the SPX portfolio submitted by the firm the Exchange may identify 100s of different boxes, call spreads, put spreads, and individual series. In addition, there will be multiple different potential counterparties for the identified positions. In order to execute just one of the identified positions the firm can seek out the potential counterparty with offsetting interest (if the firm agrees to let their identities be unmasked pursuant to Rule 6.56(a)(5)); represent the individual position (whether it be one of the boxes, call spreads, put spreads, or individual lines); negotiate a suitable execution price; and execute the transaction. This process must then be repeated over and over again in order to reduce open positions across a large portfolio of SPX options positions. In contrast, as discussed in more detail below, an RWA Package will, by definition, represent a large portfolio of SPX options positions in one large transaction (at least 50 series, etc.) as opposed to, for example, representing an individual box spread in a compression forum that contains four legs.

The Exchange believes that the ability for Market-Makers to efficiently and effectively reduce open SPX positions across numerous options series in one large transaction will help to reduce the risk of market dislocation, especially during periods of increased volume and volatility. The Exchange Market-Makers will be able to continue providing liquidity during such times (increasing the RWA attributed to the Market-Makers) because they will know that they will have the opportunity to subsequently reduce their open SPX positions (and concomitant RWA) across numerous options series in one large transaction. Without such a mechanism a Market-Maker may be forced to limit their market-making activity during periods of high volume and volatility in order to prevent significant increases in RWA attributed to the Market-Maker, which is a scenario that may lead to market dislocation. In short, in order to help reduce the risk of market dislocation the Exchange proposes to adopt Rule 6.57 to provide a mechanism for Market-Makers to reduce open SPX options positions across numerous SPX options series in one large transaction.

The Exchange proposes to define an RWA Package as a set of SPX options positions with at least: 50 options series; 10 contracts per options series; and 10,000 total contracts.[3] The Exchange believes that in addition to the other requirements of Proposed Rule 6.57 (described in detail below), requiring an RWA Package to contain at least 50 options series; at least 10 contracts per options series; and at least 10,000 total contracts will help to ensure that these transactions are executed for the purpose of reducing RWA attributable to open positions and will result in a significant net reduction of RWA. The Exchange believes limiting RWA Packages to SPX options positions will similarly help to ensure that these transactions are executed for the purpose of reducing RWA because an SPX options contract has a large notional value, which exacerbates the negative impact of bank capital regulations.

Proposed Rule 6.57(b) provides that Trading Permit Holders (''TPHs'') may execute an RWA Package (an ''RWA transaction'') in the SPX crowd on the trading floor in accordance with paragraph (c) if: (1) The RWA transaction is initiated for the account(s) of a Cboe Options Market-Maker, provided that an RWA Package consisting of SPX options from multiple Market-Maker accounts may not be in separate aggregation units or otherwise subject to information barrier or account segregation requirements;[4] (2) the RWA transaction results in a change in beneficial ownership (*i.e.,* an RWA transaction between a Cboe Options Market-Maker and an entity unaffiliated with the Cboe Options Market-Maker); and (3) the Cboe Options Market-Maker certifies that as of the beginning of the extended trading hours session (*i.e.,* 2:00 a.m. Chicago time) on the trade date in which the RWA Package is received by the Exchange under

[3] *See* Proposed Rule 6.57(a).

[4] This prohibits positions in accounts among different trading units for which accounts are otherwise required to be maintained separately to be represented as an RWA Package. Various rules (for example, Regulation SHO in certain circumstances) require accounts to be maintained separately, and the proposed rule change is consistent with those rules.

paragraph (c) the Cboe Options Market-Maker held the positions identified in the RWA Package and that the RWA Package represents a net reduction of RWA attributed to the Market-Maker based on the positions held prior to the beginning of extended trading hours. The purpose of this filing is to facilitate the closing of open positions in order to reduce RWA attributed to Market-Maker positions, which is negatively impacting liquidity provision by Market-Makers. Thus, the Exchange believes it's reasonable to limit the types of accounts for which an RWA transaction may be initiated to the account(s) of Market-Makers because, as previously noted, Market-Makers are the primary source of liquidity in the listed options market. In addition, the requirement that the RWA transaction be initiated for the ''account(s)'' of a Cboe Options Market-Maker is designed to, for example, allow a Cboe Options Market-Maker to represent positions for the market-making firm's universal account or represent positions for individual (or multiple) Cboe Market-Maker accounts.

In addition, the change in beneficial ownership and certification requirements help to ensure that RWA transactions will reduce a Market-Maker's RWA. With regards to the certification requirement it's necessary to identify a point in time at which the Market-Maker holds positions that are to be closed. The Exchange proposes that the point in time be prior to the opening of extended trading hours (*i.e.,* 2:00 a.m. Chicago time) on the Exchange because this will enable Cboe Options Market-Makers to identify their settled options positions (*i.e.,* positions they hold after the close of regular trading hours and prior to the open of extended trading hours).

Provided that paragraph (b) is satisfied the Exchange proposes to allow RWA Packages to be executed in accordance with the procedure set forth in paragraph (c). Proposed paragraph (c) provides that: (1) After the opening of regular trading hours and prior to 10:00 a.m. Chicago time, the Cboe Options Market-Maker (or broker) must submit the RWA Package to the Exchange in a form and manner prescribed by the Exchange. The submission must contain: (i) A list of individual SPX options series and the size of each options series; (ii) the contact information for the individual that will represent the position on the trading floor; and (iii) if prior to submitting an RWA Package to the Exchange the Market-Maker (or broker) has received a bid or offer for the RWA Package, the proposed net debit or credit price for the RWA Package.[5] The Exchange believes requiring RWA Packages to be received by the Exchange after the opening of regular trading hours and prior to 10:00 a.m. Chicago time will help to ensure that RWA transactions can be executed during regular trading hours, given that proposed requirement of a two hour request for quotes (''RFQ'') period, which is described more fully below. In addition, requiring the RWA Package submission to contain a list of individual SPX options series, the size of each options series, and the contact information for the individual representing the RWA Package will enable market participants to bid/offer for the RWA Package on the trading floor.

Upon the Exchange's receipt of the RWA Package, the Exchange will (i) electronically notify TPHs (electronically and via trading floor loudspeaker) as soon as practicable of the identity of the individual representing the RWA Package in the SPX trading crowd, which can be either a Market-Maker or Floor Broker, provided the individuals are available to accept bids/offers for the RWA Package; (ii) post in an electronic format on a TPH-accessible site the list of individual components of the RWA Package, the net Package price, and the contact information for the individual representing the RWA Package on the floor, which post will not include the identity of the Market-Maker for whom the RWA transaction is initiated (unless the Market-Maker is representing the RWA Package on the trading floor); and (iii) notify TPHs that the RWA Package has been posted and the time at which the two-hour request-for-quote (''RFQ'') period concludes.[6] The Exchange believes providing the RWA Package on a TPH accessible website will give TPHs sufficient information to price RWA packages. In addition, identifying the individual representing the RWA Package on the trading floor and providing a two hour RFQ period will enable TPHs to respond to RWA Packages. The Exchange believes masking the identity of the Market-Maker for whom the RWA transaction is initiated (unless the Market-Maker is representing the RWA Package on the trading floor) will encourage Market-Makers to initiate RWA transactions.

The Exchange proposes that the two-hour RFQ Period commence upon on [sic] the Exchange's notification to the SPX trading crowd of the identity of the individual representing the RWA Package on the floor.[7] The Exchange believes the two-hour period is sufficient to allow TPHs to review, price, and bid/offer for the RWA Package because the RWA Package will be available in an electronic format on a TPH-accessible website, which enables TPHs to more readily examine and price the positions in the RWA Package. Furthermore, the Exchange understands that firms have access to electronic systems that will aid them in evaluating the SPX positions contained in an RWA Package and to make a reasonable assessment of the price at which the firm is will to execute the RWA Package. The Exchange also proposes that upon the conclusion of the RFQ period, the individual representing the RWA Package in the SPX trading crowd may (but is not required to) accept a bid or offer for the RWA Package, and the RFQ response that represents the best bid or offer on a net debit or credit basis for the RWA Package has priority. The Exchange also proposes in the event equal bids or offers are received, the first RFQ response at the best bid or offer on a net debit or credit basis for the RWA Package has priority.[8] The Exchange notes that the contemplated priority is simply price/time priority, which is a common priority mechanism in the options industry. For example, Rule 6.45(i)(A) describes price-time priority in the context of resting orders and quotes in the electronic book. The best bid/offer for the RWA Package during the two hour RFQ period has priority over inferior prices, and if two bid/offers are made at the same price, the bid/offer that is made first then has priority—all of which is consistent with the price-time priority described in Rule 6.45(i)(A).[9] The Exchange notes that an individual responding to an RWA Package with a better bid/offer than a previous bid/offer is necessarily improving the bid/offer price for at least part of the RWA Package (*i.e.,* at least one individual options series in the RWA Package) because an improved net debit/credit price necessarily means at least one individual options series has received a better price.

The Exchange also notes that an RWA Package is similar to a complex order in that a market participant cannot seek to trade against only certain components of the RWA Package (*e.g.,* respond with a

[5] *See* Proposed Rule 6.57(c)(1).

[6] *See* Proposed Rule 6.57(c)(2).

[7] *See* Proposed Rule 6.57(c)(3).

[8] *See id.*

[9] The Exchange notes that if the RWA Package submission contains a bid/offer as contemplated by paragraph (c) to Rule 6.57 and a matching bid/off is made for the RWA Package in the SPX trading crowd, the bid/offer contained in the original submission has priority.

bid/offer for half of the options series instead of all of the options series in the RWA Package). Complex orders similarly cannot be split up into individual options series by an individual responding to a complex order. For example, if a complex order has three legs (*i.e.,* three separate series), a market participant responding to the complex order cannot respond with a bid/offer for leg #1, but not legs #2 or #3. Instead, the complex order is bid/offered upon based on a net debit/credit basis for the complex order as is contemplated for RWA Packages. For example, if an RWA Package is for 50 legs, a market participant responding to the RWA Package cannot respond with a bid/offer for legs #1 through #25, but not legs #26 through #50.

In addition, like complex orders, market participants may bid/offer for an RWA Package in whole or in a permissible ratio if the package can be divided into a proportional share. For example, if a complex order consisting of one leg for two contracts and another leg for two contracts is represented on the floor, a counterparty may bid/offer for 100% of the order (*i.e.,* two contracts for each leg) or the counterparty may bid/offer for a proportional share of the complex order in the 1:1 ratio of the order (*i.e.,* one contract for each leg in this example). Similarly, if an RWA Package has 50 SPX options series and 200 contracts per options series, a market participant may bid/offer for 100 contracts per leg or some other proportional share of the RWA Package in the ratio of the package. However, as with complex orders, if the RWA Package cannot be divided into a proportional share, market participants must bid/offer for the entire RWA Package. For example, if a complex order consists of one leg for one contract and another leg for two contracts, the complex order cannot be proportionally subdivided to permit a partial trade in the ratio of the order (*i.e.* 1:2); thus, market participants must bid/offer for the full size of the complex order (*i.e.,* one contract on leg #1 and two contracts on leg #2). With regards to RWA Packages, if, for example, one leg is for 11 contracts and 49 other legs are for 200 contracts, the leg for 11 contracts cannot be proportionally subdivided to permit a partial trade in the ratio of the order (*i.e.,* 11:200); thus, market participants would be required to bid/offer for the entire RWA package in this example.

As previously noted, the Exchange believes that providing a two-hour RFQ period will enable TPHs to respond to RWA Packages. In addition, the Exchange believes it's appropriate for the best bid or offer made in response to the representation of an RWA Package to have priority; however, recognizing that the best bid or offer may not satisfy the initiator of the RWA transaction, the Exchange believes its appropriate to explicitly provide in subparagraph (3) that individuals representing RWA Packages do not have to accept a bid or offer at the conclusion of the RFQ period, which simply makes it clear that the responses received during an RFQ period are indeed quotes with which the individual representing the RWA Package may execute the RWA Package. In addition, the Exchange believes it's important not to obligate individuals representing RWA Packages to split executions among TPHs that bid or offer at the same price; rather, the Exchange believes the proposal will incentivize TPHs to provide bids or offers that better existing bids or offers because the first in time best bid or offer will have priority. As previously noted, this is consistent with the price-time priority that is common in the options industry.[10]

For example, suppose a market participant submits to the Exchange an RWA Package to buy for 50 SPX series and 200 contracts on each leg, which the Exchange announces to the trading floor and posts to the website. During the RFQ Period, which lasts from 1:00 p.m. to 3:00 p.m., the following offers to buy the RWA Package are represented on the floor:

- 1:10 p.m.: Floor Broker A offers to sell 100 contracts on each leg for a total of $50,000.
- 1:15 p.m.: Floor Broker B offers to sell 100 contracts on each leg for a total of $49,000.
- 2:00 p.m.: Floor Broker C offers to sell 100 contracts on each leg for a total of $50,000.

Pursuant to price-time priority, Floor Broker B made the best offer, and will trade 100 contracts on each leg with the RWA Package for $49,000, leaving 100 contracts on each leg remaining in the RWA Package. Floor Brokers A and C offered the same price for the same amount. Pursuant to price-time priority Floor Broker A made its offer first, and thus will trade 100 contracts on each leg with the remaining portion of the RWA Package for $50,000. Floor Broker C will not participate in the trade.

Furthermore, the RWA Package is considered executed (and a contract formed) upon the acceptance of a bid or offer by the individual representing the RWA Package following the conclusion of the RFQ Period. The Exchange proposes that if the individual representing the RWA Package accepts a bid or offer for the RWA Package, the individual representing the RWA Package on the trading floor must, prior to the close of regular trading hours, cause a report to be submitted to the Exchange in a form and manner prescribed by the Exchange which sets forth the time of the execution of the RWA Package, the net execution price for the RWA Package, and the execution prices for the individual components of the RWA Package.[11] The Exchange believes the reporting requirements will enable the Exchange to maintain an adequate audit trail and, if necessary, review individual RWA transactions.

Additionally, the Exchange proposes to adopt Interpretation and Policy .01 to provide that to the extent applicable, all other Rules of the Exchange, including Rule 6.9(e), apply to the procedure set forth in proposed Rule 6.57. The Exchange also proposes to provide in Interpretation and Policy .01 that the following Rules are either superseded by proposed Rule 6.57 or do not apply to the above procedures: 6.9(a) through(d) and (f), 6.41, 6.44, 6.45, 6.47, and 6.74) [sic] and that there may be other rules of the Exchange that do not, by their terms, apply to the transfer procedure set forth in this Rule 6.57. As previously noted, proposed Rule 6.57 is a special procedure designed to provide a mechanism which allows Cboe Market-Makers to reduce open SPX options positions across numerous options series in one large transaction, and in order to give the effect to the procedures set forth in Rule 6.57 it is necessary for Rule 6.57 to supersede rules that provide for potentially conflicting procedures (*e.g.,* Rules 6.9(a) through (d) and (f), 6.41, 6.44, 6.45, 6.47, and 6.74). The Exchange notes that this is patterned from Rule 6.49A, which also provided that Rule 6.49A supersede Rules 6.41, 6.44, 6.45, 6.47, and 6.74.

Specifically, the Exchange proposes to explicitly provide that Rule 6.9(e) applies to the procedures set forth in Rule 6.57. This reference to Rule 6.9 is patterned from Rule 6.49A, which explicitly referenced Rule 6.9 in its entirety as applying to Rule 6.49A. Contrary to Rule 6.49A, however, the Exchange proposes that only paragraph (e) of Rule 6.9 apply to Rule 6.57 instead of Rule 6.9 in its entirety. Rule 6.9(e) governs trading based on knowledge of imminent undisclosed solicited transactions, and the Exchange believes it's important for such rules to apply to Rule 6.57. The Exchange believes Rule

[10] Cboe Options Rule 6.45 permits price-time priority in certain classes.

[11] *See* Proposed Rule 6.57(c)(4).

6.9(a) through (d) and (f) are sufficiently superseded by the procedures set forth in Rule 6.57(c). Specifically, Rule 6.9(a) through (d) sets forth the priority for several different scenarios in which an order and solicited order on the opposite side of that order may be represented on the floor, and the priority that will apply in each scenario. Rule 6.9(a) governs solicited transactions involving a disclosed original order and matching solicited order that improves the market; Rule 6.9(b) governs solicited transactions involving a disclosed original order that is later modified to meet a solicited order improving the market; Rule 6.9(c) governs solicited transactions involving disclosed original order that is later modified to meet a solicited order not improving the market; and Rule 6.9(d) involves solicited transactions involving an undisclosed original order. Additionally, Rule 6.9(f), which requires solicited orders to be marked, would not be necessary, as it would be known that an order was solicited for an RWA Package at the time they were provided to the Exchange in accordance with proposed Rule 6.57.

Pursuant to proposed Rule 6.57, an RWA Package, including any solicited orders to trade against the RWA Package, must be represented in a single way (by notification to the Exchange, which then announces the package to the trading floor). As a result, an RWA Package and corresponding solicited order could never be undisclosed. Additionally, pursuant to the proposed process, if the Market-Maker receives a bid or offer for the RWA Package prior to submitting it to the Exchange (as it would if it had a solicited order), the proposed price must be disclosed. As a result, for every RWA Package with a solicited order, the Exchange will announce them and the proposed price to the crowd at the same time, and thus the solicitation would have occurred before the RWA Package was disclosed to the crowd. Therefore, Rule 6.9(a) would not apply, as that paragraph covers a situation in which an order is disclosed prior to solicitation. There is also no method in the proposed process for modifying the RWA Package or any solicited order. Rule 6.9(b) and (c) address situations in which a represented order is later modified to meet a solicited order, and thus would not apply to RWA Packages. Lastly, Rule 6.9(f) is inapplicable to Rule 6.57 because following the procedures set forth in Rule 6.57 will provide all necessary information for Exchange purposes.

Proposed Rule 6.57(c) also sets forth the specific priority of RWA Transactions, and thus no other priority rules would apply. The Exchange believes it is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to explicitly identify the priority applicable to RWA Packages in Rule 6.57(c) because it will help to avoid confusion as to the priority applicable to RWA Packages. More importantly, the priority set forth in Rule 6.57(c) is consistent with Exchange Act because the proposed priority is simply price-time priority, which is common in the options industry.

With regards to the instant proposal Rule 6.41—Meaning of Premium Bids and Offers—is inapplicable because Rule 6.41 is already inapplicable to index options such as SPX options. Thus, an RWA Package, which by definition can only contain SPX options, will not be subject to Rule 6.41. The Exchange believes it is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to explicitly provide that Rule 6.57 supersedes Rule 6.41 to avoid any possible confusion regarding the applicability of Rule 6.41 to RWA Package execution.[12]

In addition, Rule 6.44—Bids and Offers in Relation to Units of Trading—is inapplicable to the instant proposal. Rule 6.44 sets forth the meaning of bids and offers for one contract where RWA Packages must be for more than one contract. The Exchange believes it is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to explicitly provide that Rule 6.57 supersedes Rule 6.44 to avoid any possible confusion regarding the applicability of Rule 6.44 to RWA Package execution.

Furthermore, Rule 6.45—Order and Quote Priority and Allocation; Rule 6.47—Priority on Split-Price Transactions Occurring in Open Outcry; and Rule 6.74—Crossing Orders—are superseded by Rule 6.57. Rules 6.45, 6.47, and 6.74 set forth priority in various scenarios, which is superseded by Rule 6.57 because the priority of bids and offers for RWA Packages is set forth in Rule 6.57(c)(3). In the same manner that Rule 6.47 describes the priority for a particular scenario (*i.e.,* split-price) instead of describing that priority in Rule 6.45, the Exchange believes it best to describe priority for this particular scenario (*i.e.,* RWA Packages) in a separate rule. Additionally, as previously noted, the priority set forth in Rule 6.57 is based on price-time priority, which is a longstanding priority method in the options industry. Moreover, the Exchange believes it is consistent with Exchange Act for the priority of bids/offers in the context of RWA Packages to be based on price-time priority as price-time priority is a common standard in the options industry.

Importantly, it is critical that RWA Packages be executed without regard to the specific priority set forth in Rule 6.45, 6.47, or 6.74. RWA Packages are, by design, very large and very complicated orders that are specifically intended to help SPX Market-Makers reduce the RWA associated with open SPX positions. Rules 6.45, 6.47, and 6.74, including provisions in those rules that require orders to cede priority to individual legs in the electronic book, are not designed to accommodate the execution of such large, complicated, uniquely purposed orders. Thus, the Exchange believes the significantly large size and complexity of RWA packages make it necessary to deviate from Rules 6.45, 6.47, 6.74.

Additionally, the limited purpose of RWA Packages and the temporary nature of the proposed rule further support the need to permit executions of RWA Packages without regard to the priority in current rules. As discussed above, the purpose of RWA Packages is to reduce the risk-weighted assets attributable to Market-Makers' SPX options positions. Requiring trades against the leg markets may interfere with the desired reduction in RWA associated with the package, and may cause execution of the package to be less efficient. Efficient reductions in RWA pursuant to the proposed rule change may free up capital, which will to enable Market-Makers to continue to provide liquidity to the SPX market, which liquidity benefits all market participants. The Exchange believes the narrow scope of the proposed rule change and the limited, beneficial purpose of RWA Packages make allowing RWA Packages to execute without interacting with pre-existing interest on the electronic book appropriate and important to support the provision of liquidity in the SPX market.[13]

[12] The Exchange notes that Rule 24.8—Meaning of Premium Bids and Offers—applies to index options.

[13] S&P 500 Option Variance Basket Trades, a particular basket of SPX options with a limited purpose, may execute without interacting with pre-

Continued

Moreover, the Exchange expects many potential counterparties to be solicited prior to the RWA Package being sent to the Exchange or announced in the SPX trading crowd. These solicitations will likely result in a net package price at which the counterparty is willing to execute the RWA Package. If parties representing RWA Packages were required to cede priority to individual legs in the electronic order book many RWA Packages would likely go unexecuted as the execution of one leg of an RWA Package would disrupt the net execution price and the weighting/risk profile of the RWA package. Additionally, the size and complexity of RWA Packages make it functionally difficult for RWA Packages to interact with the electronic book under normal circumstances. To the extent one leg of an RWA Package could execute with an order in the electronic book, the remaining orders on the electronic book (complex order book or simple order book) are unlikely to have the necessary size and depth across a large portfolio of options to satisfy the terms of an RWA Package. Thus, requiring RWA Packages to follow the priority in Rule 6.45, 6.47, or 6.74 would effectively prevent RWA Packages from being executed.

The Exchange believes it is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to deviate from existing priority rules because doing so will allow RWA Packages to be executed, which, in turn, will help reduce the RWA associated with a Market-Maker's SPX Position, and, in turn, will reduce the risk of market dislocation, especially during periods of increased volume and volatility [sic].

In addition, the Exchange proposes to adopt Interpretation and Policy .02 to provide that nothing in paragraph (a) of Rule 6.57 prevents a Market-Maker from executing transactions (opening or closing) during the RFQ period in the normal operation of the Market-Maker's business. Market-Makers have affirmative obligations, and the Exchange believes the adoption of Interpretation and Policy .02 helps ensure that Rule 6.57 does not prevent Cboe Options Market-Makers from satisfying their affirmative obligations by, for example, buying and selling options series during the RFQ period in the normal course of their operations.

Finally, the Exchange proposes to adopt Interpretation and Policy .03 to implement Rule 6.57 for a limited term ending two years from the approval date of this rule filing.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule will help facilitate the reduction of open SPX options positions (and concomitant RWA), which helps to protect investors and the public interest by enabling Market-Makers to continue to provide liquidity that is critical to the SPX options markets. Although the Exchange is seeking to limit RWA transactions to those initiated by Cboe Options Market-Makers, the proposal is not designed to permit discrimination between customers, issuers, brokers, or dealers; rather, the proposal seeks to alleviate the negative impact of bank capital requirements on the primary liquidity providers in the listed options market (*i.e.,* Market-Makers), who are disproportionately impacted by bank capital requirements governing bank-affiliated clearing firms. The Exchange believes the ability for Market-Makers to efficiently and effectively reduce open positions across numerous options series in one large transaction will help to reduce the risk of market dislocation, especially during periods of increased volume and volatility. Market-Makers will be able to continue providing liquidity during such times (increasing the RWA attributed to the Market-Makers) because they will know that they can subsequently reduce their open positions (and concomitant RWA) across numerous options series in one large transaction.

Furthermore, the Rule 6.57 is patterned on Rule 6.49A, which sets forth similar procedures for on-floor transfers. In addition, generally, Rule 6.57 is an exception to various Exchange trading rules because RWA Packages are designed to carry out the important purpose of reducing RWA, and the construction and procedures set forth in Rule 6.57 are necessary to carry out that purpose. RWA Packages are large in size (at least 10,000 options) and broad in construction (at least 50 separate options series) and must be closing transactions because the purpose of RWA Packages is to significantly reduce RWA associated with Market-Maker positions to enable Market-Makers to continue to provide critical liquidity to SPX options. In order to functionally execute such a large portfolio of SPX options the Exchange believes it is necessary for the procedures to deviate from certain current exchange trading rules. The Exchange believes the narrow scope of the proposed rule change and the limited, beneficial purpose of RWA Packages make allowing RWA Packages to execute without interacting with pre-existing interest on the electronic book appropriate and important to support the provision of liquidity in the SPX market.[17] Specifically, the Exchange believes it is necessary and proper for interpretation and policy .01 to specify that Rules 6.9(a) through (d) and (f), 6.41, 6.44, 6.45, 6.47, and 6.74 are either supersede [sic] by, or do not apply to, Rule 6.57.

As previously noted above, the proposed procedure for RWA Packages sets forth the specific manner in which RWA Packages and any solicited orders must be represented, and thus the situations described in Rule 6.9(a) through (d) and (f) would never occur. The proposed rule makes clear that these provisions are superseded by the proposed rule.

In addition, Rule 6.41 is inapplicable to RWA Packages because Rule 6.41 is inapplicable to index options such as SPX options. Thus, an RWA Package, which by definition can only contain SPX options, will not be subject to Rule 6.41. Furthermore, Rule 6.44 sets forth the meaning of bids and offers for one contract where RWA Packages must be for more than one contract; thus, Rule

existing interest on the electronic book. *See* Rule 6.53B(c).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] S&P 500 Option Variance Basket Trades, a particular basket of SPX options with a limited purpose, may execute without interacting with pre-existing interest on the electronic book. *See* Rule 6.53B(c).

6.44 is similarly inapplicable to RWA Packages. The Exchange believes it is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to explicitly provide that Rule 6.57 supersedes Ruls [sic] 6.41 and 6.44 to avoid any possible confusion regarding the applicability of Rules 6.41 and 6.44 to RWA Package execution.

In particular, the Exchange believes it is critical that RWA Packages be executed without regard to the specific priority set forth in Rule 6.45, 6.47, or 6.74 because the size of the RWA Packages (at least 50 SPX options series, 10 options per series, and at least 10,000 options) makes it functionally impossible for RWA Packages to interact with the electronic book as orders on the electronic book (complex order book or simple order book) do not have the necessary size and depth across a large portfolio of options to satisfy the terms of an RWA Package. Thus, requiring RWA Packages to follow the priority in Rule 6.45, 6.47, or 6.74 would prevent RWA Packages from being executed. Given the limited purpose and significant size and complexity of RWA Packages, the Exchange believes it is consistent with Exchange Act and helps remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest to permit RWA transactions to deviate from existing priority rules. This will permit [sic] because doing so will allow RWA Packages to be executed in an efficient manner, which, in turn, will help reduce the RWA associated with a Market-Maker's SPX positions, and, in turn, will reduce the risk of market dislocation, especially during periods of increased volume and volatility.

To the extent Cboe Market-Makers cannot reduce options positions in an efficient and effective manner their ability to continue to provide liquidity may be impaired. As noted, the procedures set forth in Rule 6.57 are similar to the procedures set forth in Rule 6.49A. The Exchange believes the procedures set forth in Rule 6.57 improve on the procedures set forth in Rule 6.49A as Rule 6.57, among other things, provides for the publication of RWA Packages in an electronic format, which allows for a fair process by which TPHs may review, price, and bid/offer for an RWA Package.

In addition, the Exchange believes proposed Interpretation and Policy .02, which provides that nothing in paragraph (a) of Rule 6.57 prevents a Market-Maker from executing transactions (opening or closing) during the RFQ period in the normal operation of the Market-Maker's business, is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest by helping to ensure Market-Makers continue to perform their affirmative obligations during the trading day.

Finally, the Exchange believes proposed Interpretation and Policy .03, which indicates that Rule 6.57 is to be adopted for a limited term ending two years from the approval date of this rule filing, is consistent with Exchange Act and helps to remove impediments to and perfect the mechanism of a free and open market and, in general, helps protect investors and the public interest by allowing the Exchange to evaluate at the end of the two-year period whether Rule 6.57 continues to be a useful tool to reduce RWA associated with SPX options positions.

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Although the Exchange is seeking to limit RWA transactions to those initiated by Cboe Options Market-Makers, the Exchange does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposal seeks to alleviate the negative impact of bank capital requirements on the primary liquidity providers in the listed options market (*i.e.,* Market-Makers), who are disproportionately impacted by bank capital requirements governing bank-affiliated clearing firms. Use of the proposed process is voluntary, and all Market-Makers with SPX positions may engage in RWA transactions. The proposed rule change proposes a process that may be carried out only [sic] the Exchange's trading floor in a product that trades solely on the Exchange. RWA Transactions have a limited purpose, which is to reduce RWA attributable to Market-Makers' SPX open positions in order to free up capital and enable Market-Makers to continue to provide the liquidity to the SPX market, which liquidity benefits all market participants. This is not intended to be a competitive trading tool.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2018–056 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–CBOE–2018–056. 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–CBOE–2018–056 and should be submitted on or before September 7, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18158 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83882; File No. SR–FINRA–2018–032]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 6710 To Modify the Dissemination Protocols for Agency Debt Securities

August 17, 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 August 16, 2018, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. 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

FINRA is proposing to amend FINRA Rule 6710 to modify the dissemination protocols with respect to Agency Debt Securities.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA requires members to report to the Trade Reporting and Compliance Engine (''TRACE'') transactions in TRACE-Eligible Securities,[3] including securities that meet the definition of ''Agency Debt Security.''[4] FINRA disseminates transaction information on Agency Debt Securities and displays either the actual size (volume) of the transaction or a capped amount, depending on whether the security is rated as Investment Grade,[5] Non-Investment Grade,[6] or is unrated. For transactions in Agency Debt Securities that are either Investment Grade or unrated, FINRA disseminates the actual size of the trade for transactions less than or equal to $5 million in par value traded, thus providing actual transaction size up to $5 million, and disseminates ''$5MM+'' for trades exceeding $5 million in par value traded.[7] For transactions in Agency Debt Securities that are Non-Investment Grade, FINRA disseminates the actual size of the trade for transactions less than or equal to $1 million in par value, and disseminates ''1MM+'' for trades exceeding $1 million in par value traded.[8]

FINRA is proposing to apply a $5 million dissemination cap to all Agency Debt Securities, regardless of the rating assigned to the security. When adopting the original dissemination caps for Agency Debt Securities, FINRA believed that unrated Agency Debt Securities should default to the $5 million dissemination cap due to factors such as that they trade more consistently with Investment Grade securities that are subject to the $5 million dissemination cap. While Non-Investment Grade Agency Debt Securities have been disseminated with the $1 million dissemination cap, FINRA is not aware of the existence of any Non-Investment Grade Agency Debt Securities other than credit risk transfer securities (''CRTs''), a type of Agency Debt Security issued by Fannie Mae (''Fannie'') and Freddie Mac (''Freddie''). Based on experience gained with CRTs and in consultation with Fannie and Freddie, FINRA

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 6710 generally defines a ''TRACE-Eligible Security'' as: A debt security that is United States (''U.S.'') dollar-denominated and is: (1) Issued by a U.S. or foreign private issuer, and, if a ''restricted security'' as defined in Securities Act Rule 144(a)(3), sold pursuant to Securities Act Rule 144A; (2) issued or guaranteed by an Agency as defined in Rule 6710(k) or a Government-Sponsored Enterprise as defined in Rule 6710(n); or (3) a U.S. Treasury Security as defined in Rule 6710(p). ''TRACE-Eligible Security'' does not include a debt security that is issued by a foreign sovereign or a Money Market Instrument as defined in Rule 6710(o).

[4] ''Agency Debt Security'' generally includes a debt security (i) issued or guaranteed by an Agency as defined in Rule 6710(k); (ii) issued or guaranteed by a Government-Sponsored Enterprise (''GSE'') as defined in Rule 6710(n); or (iii) issued by a trust or other entity that was established or sponsored by a GSE for the purpose of issuing debt securities, where such enterprise provides collateral to the trust or other entity or retains a material net economic interest in the reference tranches associated with the securities issued by the trust or other entity. Rule 6710(n) provides that ''Government-Sponsored Enterprise'' has the same meaning as defined in 2 U.S.C. 622(8).

[5] Rule 6710 provides that ''Investment Grade'' means ''a TRACE-Eligible Security that, if rated by only one nationally recognized statistical rating organization (''NRSRO''), is rated in one of the four highest generic rating categories; or if rated by more than one NRSRO, is rated in one of the four highest generic rating categories by all or a majority of such NRSROs; provided that if the NRSROs assign ratings that are evenly divided between (i) the four highest generic ratings and (ii) ratings lower than the four highest generic ratings, FINRA will classify the TRACE-Eligible Security as Non-Investment Grade for purposes of TRACE. If a TRACE-Eligible Security is unrated, for purposes of TRACE, FINRA may classify the TRACE-Eligible Security as an Investment Grade security. FINRA will classify an unrated Agency Debt Security as defined in [Rule 6710(l)] as an Investment Grade security for purposes of the dissemination of transaction volume.'' *See* FINRA Rule 6710(h).

[6] Rule 6710 provides that ''Non-Investment Grade'' means ''a TRACE-Eligible Security that, if rated by only one NRSRO, is rated lower than one of the four highest generic rating categories; or if rated by more than one NRSRO, is rated lower than one of the four highest generic rating categories by all or a majority of such NRSROs. Except as provided in paragraph (h), if a TRACE-Eligible Security is unrated, FINRA may classify the TRACE-Eligible Security as a Non-Investment Grade security.'' *See* FINRA Rule 6710(i).

[7] *See* Securities Exchange Act Release No. 59733 (April 8, 2009), 74 FR 17709 (April 16, 2009) (Notice of Filing of File No. SR–FINRA–2009–010).

[8] *See supra* note 7.

believes that it is appropriate to disseminate Non-Investment Grade CRTs with the $5 million dissemination cap. Because CRTs are the only type of Agency Debt Security rated less than Investment Grade, FINRA is proposing to simplify the dissemination structure by applying the $5 million dissemination cap to all Agency Debt Securities irrespective of rating.

FINRA notes that transactions in the vast majority of securities issued by Fannie and Freddie are disseminated with the actual size of the trade (uncapped), and, of those that are capped, the vast majority are disseminated with the $5 million cap: 94.4% of all transactions in direct obligations issued by Fannie and Freddie, including CRTs, currently are disseminated with the actual size of the trade. Of the remaining 5.6% that are capped (both at $1 million and $5 million), 95% currently are disseminated with the $5 million cap. Thus, FINRA believes that the proposed modification to apply the $5 million dissemination cap to all Agency Debt Securities uniformly will have a minimal impact, while simplifying the dissemination structure and providing additional transparency in Agency Debt Securities.

If the Commission approves the proposed rule change, FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 120 days following publication of the *Regulatory Notice* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change would benefit investors in that it would simplify the dissemination structure by creating a uniform dissemination protocol for all Agency Debt Securities, and would increase transparency for transactions in Non-Investment Grade Agency Debt Securities over $1 million. Additionally, the proposed rule change would have a minimal impact as the vast majority of capped transactions in Agency Debt Securities are already disseminated with the $5 million cap.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to analyze the potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how to best meet its regulatory objectives.

Economic Baseline

As of December 31, 2017, there were 35 Investment Grade, 9 Non-Investment Grade, and 172 unrated CRT classes (based on TRACE data). FINRA notes that certain CRTs are currently the only type of Agency Debt Security with a Non-Investment Grade rating. The outstanding amount of these issues are $770 million, $350 million and $2,877 million for Investment Grade, Non-Investment Grade and unrated issues respectively. Table 1 presents the number of trades reported to TRACE and nominal trade value of CRT CUSIPs by rating for the calendar year beginning January 1, 2017.[10]

TABLE 1

Grade	Trades		Trade value	
	Number	Percent	Dollars (millions)	Percent
Non-Investment	1,950	13.6	8,800.9	13.6
Investment	1,988	13.8	8,880.1	13.7
Unrated	10,423	72.6	47,077.7	72.7

Under the existing dissemination protocols, Agency Debt Securities that are unrated or rated Investment Grade are disseminated with a $5 million dissemination cap, where trades over $5 million are displayed as ''5MM+.'' Non-Investment Grade Agency Debt Securities are disseminated with a $1 million dissemination cap, where trades over $1 million are displayed as ''1MM+.'' Table 2 presents the number and percent of trades and nominal trade value disseminated with actual trade sizes or displayed with ''5MM+'' for Investment Grade or unrated CRT CUSIPs for calendar year 2017. These statistics include all trades reported to TRACE during the period, and thus would include two trade reports for interdealer trades and one trade report for dealer to customer trades (two-sided trade data).[11]

[9] 15 U.S.C. 78o–3(b)(6).

[10] Each CRT deal utilizes a senior/subordinate structure in which credit protection is provided to the senior class by the subordinate classes in priority order. The senior class and subordinate tranches, while part of the same CRT issuance, are separate securities and each are assigned a unique CUSIP. In addition, each CRT class can be further tranched to provide additional optionality for investors' needs. As such, each CRT class is associated with multiple unique CUSIPs. We note that only the CUSIP associated with the senior tranche contributes to the amount of debt outstanding for a given CRT class.

[11] For calendar year 2017, there were 11,341 trades reported to TRACE, that include only one trade report for interdealer trades and one trade report for dealer to customer trades (one-sided trade data), in Investment Grade and unrated CRT CUSIPs, of which 20.8% were displayed as ''5MM+.''

TABLE 2

Grade	Trades			
	≤$5M		>$5M	
	Number	Percent	Number	Percent
Investment	1,524	76.7	464	23.3
Unrated	8,435	80.9	1,988	19.1
	Trade value			
	≤$5M		>$5M	
	Dollars (millions)	Percent	Dollars (millions)	Percent
Investment	2,591.5	29.2	6,288.6	28.2
Unrated	22,390.9	47.6	24,686.7	46.6

Table 3 presents the number and percent of trades and nominal trade value disseminated with actual trade sizes or displayed with ''1MM+'' for Non-Investment Grade CRT CUSIPs for calendar year 2017.[12]

TABLE 3

Grade	Trades			
	≤$1M		>$1M	
	Number	Percent	Number	Percent
Non-Investment	222	11.4	1,728	88.6
	Trade value			
	≤$1M		>$1M	
	Dollars (millions)	Percent	Dollars (millions)	Percent
Non-Investment	139.7	1.6	8,661.2	98.4

Economic Impact

Based on transactions during calendar year 2017, this proposal would have led to dissemination of additional trade size information for 1,112 trades in 82 CRT CUSIPs than disseminated under the current protocols. This increased transparency could have impacts on investors, market makers and issuers. Markets participants, especially uninformed investors, generally anticipate that they benefit from greater price transparency because, in the presence of this information, they are more likely to gain more timely information about the current price of an asset. Knowing this, they may be more willing to commit capital.[13]

At the same time, FINRA understands that some firms believe that transparency about the size of larger trades impedes their ability to commit capital and hence may have a negative impact on liquidity. Increasing transparency may increase the amount of information available to uninformed investors on transaction size and price. This may reduce the informed investors' relative advantage by decreasing the bid-ask spread earned by an informed investor or increasing the bid-ask spread paid by an informed investor. Furthermore, firms may be less willing to trade as principal and hold these securities in inventory, leading to wider spreads or less depth, if they fear that investors may identify the firms' inventory position.[14] In addition, existing institutional investors that prefer trading in large sizes or at the current level of transparency in Non-Investment Grade CRTs may substitute trading in other asset classes, if the investors fear others may identify their holdings. The consensus of the academic literature studying the impact of transparency in a variety of settings in U.S. fixed income markets is that greater transparency is associated with lower costs to end customers and positive to neutral impacts on market liquidity.[15] In addition, FINRA has discussed the proposed rule change with Fannie and Freddie, both of which support the application of the $5 million dissemination cap to all CRTs.

Alternatives

No alternatives are under consideration.

[12] For calendar year 2017, there were 1,712 trades reported to TRACE, that include only one trade report for interdealer trades and one trade report for dealer to customer trades (one-sided trade data), in Non-Investment Grade CUSIPs, of which 88.3% were displayed as ''1MM+.''

[13] For instance, one study that examined corporate bond transactions in TRACE from January 2003 through January 2005 found that ''[c]osts are lower for bonds with transparent trade prices, and they drop when the TRACE system starts to publicly disseminate their prices. The results suggest that public traders benefit significantly from price transparency.'' For additional details, *see* Amy K. Edwards, Lawrence E. Harris, and Michael S. Piwowar, Corporate Bond Market Transaction Costs and Transparency, Journal of Finance 62, No. 3, 1421–1451 (2007).

[14] *See supra* note 13.

[15] *See supra* note 13.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2018–032 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–FINRA–2018–032. 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 FINRA. 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–FINRA–2018–032, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18167 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83869; File No. SR–BX–2018–038]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Codify the Definitions of the Protocols To Enter Quotes and Orders

August 17, 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 August 14, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt new text at Chapter VI, Section 21 to codify the definitions of the protocols that Participants can use to enter quotes and orders on the Exchange.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt new rule text at Chapter VI, Section 21 to codify the Financial Information eXchange (''FIX'') and Specialized Quote Feed (''SQF'') protocols. The Exchange believes that codifying definitions of these protocols in its rules will increase transparency around its operations. The protocols used by Participants to submit quotes and orders play an important role in the operation of the System. The Exchange therefore believes that codifying definitions of these protocols in its rules will increase transparency around its operations. Furthermore, the proposed definitions will be harmonized where appropriate with definitions to be included in the rules of the Exchange's affiliated options markets,[3] including by using consistent terms to define the buckets of information transmitted, or the features available, on each protocol.

The Exchange proposes to title Section 21 as ''Order and Quote Protocols'' and codify descriptions of the various protocols that Participants may use to enter quotes and orders on BX. The Exchange proposes to add a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 83729 (July 27, 2018) 83 FR 37870 (August 2, 2018) (SR–ISE–2018–65); 83731 (July 27, 2018), 83 FR 37867 (August 2, 2018) (SR–GEMX–2018–26); and 83730 (July 27, 2018), 83 FR 37873 (August 2, 2018) (SR–MRX–2018–25). Nasdaq Phlx LLC was filed as SR–Phlx–2018–54. The Nasdaq Stock Market LLC will submit a similar filing to amend The Nasdaq Options Market LLC ports.

new section (a) to Chapter VI, Section 21 entitled ''Entry and Display of Orders and Quotes.'' The Exchange proposes to state in proposed new Chapter VI, Section 21(a) ''Participants may enter orders and quotes into the System as specified below.'' The Exchange proposes to add a section Chapter VI, Section 21(a)(i) which provides, ''The Exchange offers Participants the following protocols for entering orders and quotes respectively.''

A. Financial Information eXchange Ports

This protocol is not memorialized within the Exchange's Rulebook, however rule changes describing FIX have been filed.[4] The Exchange proposes to codify a description of this protocol to add even greater specificity within the Rulebook. The Exchange proposes to state that FIX is an interface that allows Participants and their Sponsored Customers to connect, send and receive messages related to orders and auction orders and responses to and from the Exchange. Features include the following: (1) Execution messages; (2) order messages; and (3) risk protection triggers and cancel notifications.

B. Specialized Quote Feed Ports

This protocol is not memorialized within the Exchange's Rulebook, however rule changes describing SQF have been filed.[5] At this time, the Exchange proposes to more specifically define the SQF Port. The Exchange proposes the following definition:

SQF is an interface that allows Market Makers to connect, send, and receive messages related to quotes, Immediate-or-Cancel Orders, and auction responses into and from the Exchange. Features include the following: (1) Options symbol directory messages (e.g underlying instruments); (2) system event messages (*e.g.,* start of trading hours messages and start of opening); (3) trading action messages (*e.g.,* halts and resumes); (4) execution messages; (5) quote messages; (6) Immediate-or-Cancel Order messages; (7) risk protection triggers and purge notifications; (8) opening imbalance messages; (9) auction notifications; and (10) auction responses. The SQF Purge Interface only receives and notifies of purge request from the Market Maker.[6]

The Exchange believes that this information provides a more thorough description of the SQF protocol.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by adding greater transparency to the order and quote protocols available on BX.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it codifies the protocols used to connect to the Exchange's System. While no functional changes to the protocols are proposed in this filing, the Exchange believes that including a description of the various order entry protocols in its rulebook will benefit Participants by increasing transparency around the operation of the Exchange. Furthermore, the proposed descriptions of the order entry protocols in one rule will more clearly and accurately reflect the information included on the protocols, and will be harmonized with language to be included in the rules of its affiliated exchanges to the extent that the protocols operate in the same manner. The protocols described in this filing provide a range of important features to Participants, including the ability to submit quotes and orders, and perform other functions necessary to manage trading on the Exchange. The Exchange believes codifying the quote and order entry protocols will increase transparency to the Participants that use these protocols to connect to the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As explained above, the Exchange is codifying the quote and order entry protocols that Participants use to connect to the Exchange's System.

The Exchange does not believe that codifying the order entry protocols in the rulebook will have any competitive impact. Locating all the descriptions within a single rule and adding context around each order entry protocol will increase transparency around the operation of the Exchange without having any impact on inter-market or intra-market competition. All market participants have the ability to subscribe to the protocols for order entry. The quoting protocols are limited to the market participants who are permitted by rule to quote on BX, but the function is uniformly available to these eligible participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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.

[4] *See* Securities Exchange Act Release No. 80055 (February 16, 2018), 82 FR 11381 (February 22, 2017) (SR–BX–2017–009). The FIX port was previously referred to as the ''Order Entry Port'' and described as a connection to routing orders to the Exchange via an external order entry port. Participants access the Exchange's network through order entry ports. A BX Options Market Participant may have more than one order entry port. The Exchange recently renamed the ''Order Entry Port'' as the ''FIX Port'' in the Exchange's Pricing Schedule. *See* Securities Exchange Act Release No. 83192 (May 9, 2018), 83 FR 22563 (May 15, 2018) (SR–BX–2018–017).

[5] *See* Securities Exchange Act Release No. 76952 (January 21, 2016), 81 FR 4721 (January 27, 2016) (SR–BX–2016–003). This rule change generally described SQF as The SQF Port is a port that allows a Participant acting as a BX Options Market Maker to enter his markets into the BX Options markets. The SQF Port also allows a Market Maker to access information such as execution reports and other relevant data through a single feed. Market Makers rely on data available through the SQF Port to provide them the necessary information to perform market making activities in a swift and meaningful way.

[6] All of the notification messages available on SQF ports as described above (*i.e.,* options symbol directory messages, system event messages, trading action messages, etc.) are configurable in that BX Market Makers can select the specific types of notifications they wish to receive on their SQF ports. As such, SQF Purge Interface ports are a subpart of SQF ports that have been configured to only receive and notify of purge requests.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(iii).

[10] 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.

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–BX–2018–038 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2018–038. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BX–2018–038 and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18157 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83881; File No. SR–CboeEDGX–2018–034]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 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 August 9, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fee schedule related to the Options Regulatory Fee.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the fee schedule applicable to the Exchange's options platform (''EDGX Options'') to amend the rate of its Options Regulatory Fee (''ORF'').[5] Currently, the Exchange charges an ORF in the amount of $0.0004 per contract side. The Exchange proposes to decrease the amount of ORF from $0.0004 per contract side to $0.0001 per contract side. The proposed change to ORF should continue to balance the Exchange's regulatory expenses against the anticipated revenue.

The ORF is assessed by the Exchange on each Member for options transactions cleared by the Member that are cleared by the Options Clearing Corporation (OCC) in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member or non-Clearing Member that ultimately clears the transaction. With respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services for options regulatory fees it incurs in connection with the Routing Services it provides.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support

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[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The Exchange initially filed the proposed fee change on August 1, 2018 (SR–CboeEDGX–2018–028) for August 1, 2018 effectiveness. On business date August 9, 2018, the Exchange withdrew that filing and submitted this filing.

the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as human resources, legal, information technology and accounting. These indirect expenses are estimated to be approximately 12% of EDGX Options' total regulatory costs for 2018. Thus, direct expenses are estimated to be approximately 88% of total regulatory costs for 2018. In addition, it is EDGX Options' practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2018 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.[6]

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Members of adjustments to the ORF via regulatory circular. The Exchange provides Members with such notice at least 30 calendar days prior to the effective date of the change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

The Exchange believes the decreased ORF is equitable and not unfairly discriminatory because it would be objectively allocated to Members in that it would be charged to all Members on all their transactions that clear as customer transactions at the OCC. The Exchange believes that decreasing the ORF is reasonable because the Exchange's collection of ORF needs to be balanced against the amount of regulatory revenue collected by the Exchange. The Exchange believes that the proposed adjustment noted herein will serve to continue to balance the Exchange's regulatory revenue against its anticipated regulatory costs.

The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the decreased level of the fee is reasonable and appropriate.

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. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–CboeEDGX–2018–034 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 No. SR–CboeEDGX–2018–034. 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

[6] The Exchange notes that its regulatory responsibilities with respect to compliance with options sales practice rules has been allocated to the Financial Industry Regulatory Authority, Inc. (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

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 No. SR–CboeEDGX–2018–034, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18166 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83879; File No. SR–CboeBZX–2018–063]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 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 August 10, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fee schedule related to the Options Regulatory Fee.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the fee schedule applicable to the Exchange's options platform (''BZX Options'') to amend the rate of its Options Regulatory Fee (''ORF'').[5] Currently, the Exchange charges an ORF in the amount of $0.0005 per contract side. The Exchange proposes to decrease the amount of ORF from $0.0005 per contract side to $0.0002 per contract side. The proposed change to ORF should continue to balance the Exchange's regulatory expenses against the anticipated revenue.

The ORF is assessed by the Exchange on each Member for options transactions cleared by the Member that are cleared by the Options Clearing Corporation (OCC) in the customer range, regardless of the exchange on which the transaction occurs. In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a Member, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Member or non-Clearing Member that ultimately clears the transaction. With respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services for options regulatory fees it incurs in connection with the Routing Services it provides.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of Member customer options business. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as human resources, legal, information technology and accounting. These indirect expenses are estimated to be approximately 10% of BZX Options' total regulatory costs for 2018. Thus, direct expenses are estimated to be approximately 90% of total regulatory costs for 2018. In addition, it is BZX Options' practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2018 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.[6]

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The Exchange initially filed the proposed fee change on August 1, 2018 (SR–CboeEDGX–2018–028) for August 1, 2018 effectiveness. On business date August 9, 2018, the Exchange withdrew that SR–CboeBZX–2018–055 and submitted SR–CboeBZX–2018–062 in its place. On business date August 10, 2018 the Exchange withdrew SR–CboeBZX–2018–062 and submitted this filing.

[6] The Exchange notes that its regulatory responsibilities with respect to compliance with options sales practice rules has been allocated to the Financial Industry Regulatory Authority, Inc. (''FINRA'') under a 17d–2 Agreement. The ORF is not designed to cover the cost of options sales practice regulation.

determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Members of adjustments to the ORF via regulatory circular. The Exchange provides Members with such notice at least 30 calendar days prior to the effective date of the change.

The Exchange lastly proposes a couple of minor clean up changes to the Fees Schedule. Particularly, the ORF is listed as being $0.0009 per contract through January 31, 2018 and $0.0005 per contract effective February 1, 2018. As these dates have passed and the ORF is now simply $0.0002 per contract, the Exchange proposes to delete the reference to the ORF being $0.0009 per contract through January 31, 2018 and the February 1, 2018 effective date of the $0.0005 per contract ORF.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using its facilities. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues or providers of routing services if they deem fee levels to be excessive.

The Exchange believes the decreased ORF is equitable and not unfairly discriminatory because it would be objectively allocated to Members in that it would be charged to all Members on all their transactions that clear as customer transactions at the OCC. The Exchange believes that decreasing the ORF is reasonable because the Exchange's collection of ORF needs to be balanced against the amount of regulatory revenue collected by the Exchange. The Exchange believes that the proposed adjustment noted herein will serve to continue to balance the Exchange's regulatory revenue against its anticipated regulatory costs.

The Exchange has designed the ORF to generate revenues that, when combined with all of the Exchange's other regulatory fees, will be less than or equal to the Exchange's regulatory costs, which is consistent with the Commission's view that regulatory fees be used for regulatory purposes and not to support the Exchange's business side. In this regard, the Exchange believes that the decreased level of the fee is reasonable and appropriate.

The Exchange believes the proposal to eliminate obsolete language with respect to past ORF rates maintains clarity in the rules and alleviates potential confusion, thereby protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4 thereunder.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CboeBZX–2018–063 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 No. SR–CboeBZX–2018–063. 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 No. SR–CboeBZX–2018–063, and should be submitted on or before September 13, 2018.

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18164 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83868; File No. SR–FINRA–2018–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 7730 (Trade Reporting and Compliance Engine (TRACE)) To Remove Computer-to-Computer Interface as a Technological Option for TRACE Reporting

August 17, 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 August 15, 2018, Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. 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

FINRA is proposing to amend FINRA Rule 7730 to modify the technological connectivity options available to members for reporting transactions to TRACE.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA is proposing to amend Rule 7730 (Trade Reporting and Compliance Engine (TRACE)) to remove Computer-to-Computer Interface (''CTCI'') as a technological means of connectivity for use in reporting transactions to TRACE.

Technology and connectivity options have evolved since the inception of the TRACE system (at which time CTCI, rather than Financial Information eXchange (''FIX''), was made available for TRACE reporting purposes).[3] FINRA has determined that it is now appropriate to remove CTCI—a Nasdaq proprietary protocol—as a means of connectivity. Accordingly, firms would be required to report transactions to TRACE using one of the remaining currently available options: (i) Web browser access; (ii) FIX line access; or (iii) indirectly via third-party intermediaries (*e.g.,* service bureaus).[4]

FINRA notes that FIX—an industry standard protocol—is an immediately available and viable alternative to CTCI that already is widely used by members. Since adding FIX as a protocol for transaction reporting to TRACE in 2011 for Securitized Products (and for corporates and Agency Debt Securities in 2012), approximately two thirds of firms with direct connections, and half of the service bureaus, have opted to migrate from CTCI to FIX. In fact, the majority of members that report trades to TRACE currently connect via FIX,[5] and FINRA believes that an increasing amount of firms and service bureaus will continue to migrate to FIX.[6] FINRA also believes that removing CTCI as a means of connectivity will reduce operational overhead and risk for FINRA.

Accordingly, FINRA is proposing to amend Rule 7730 to remove CTCI as a means of connectivity for members to report transactions to TRACE.[7] FINRA intends to provide ample time, until February 3, 2020, to allow firms that still use CTCI as a means of connectivity to migrate, and will permit members to migrate at any point throughout the implementation period. During that timeframe, FINRA also will engage in extensive outreach with the industry to assist in migration awareness and efforts.[8]

If the Commission approves the proposed rule change, the effective date of the proposed rule change will be February 3, 2020.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA is proposing to amend Rule 7730 to remove CTCI as a means of connectivity for members to report transactions to TRACE. FINRA does not believe the proposed rule change will have a significant impact, as a majority of members already use FIX as a means of connectivity to report trades to TRACE, and FINRA believes that an increasing amount of members and service providers are migrating to exclusive use of FIX. FIX is an industry standard protocol that is an immediately available and viable alternative for the minority of members who directly use CTCI as a means of connectivity to report transactions to TRACE.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42201 (December 3, 1999), 64 FR 69305 (December 10, 1999) (Notice of Filing of File No. SR–NASD–99–65).

[4] *See* Rule 7730.

[5] Currently, 61 members have direct FIX connections for TRACE reporting, 32 have direct CTCI connections, and 709 members have web browser access (the 709 firms with web browser access also may have CTCI or FIX access for connecting to TRACE). The top five members that connect through CTCI for reporting transactions to TRACE represent 63% of all TRACE reports submitted directly using a CTCI connection. In addition, five service bureaus report to TRACE through CTCI connections and five report through FIX connections. The five service bureaus that use CTCI report transactions to TRACE on behalf of 191 members in aggregate, with over 95% of these transaction reports received from one service bureau. For all TRACE-eligible securities, approximately 33% of all transaction reports are received via CTCI, which consists of 23% submitted by members with direct CTCI connections and 10% by service bureaus connected via CTCI.

[6] For example, members may report trades to the recently approved second FINRA/Nasdaq Trade Reporting Facility via FIX but firms will not have the option to report trades via CTCI. *See* Securities Exchange Act Release No. 83082 (April 20, 2018), 83 FR 18379 (April 26, 2018) (Notice of Filing of File No. SR–FINRA–2018–013).

[7] FINRA will be eliminating CTCI as a means of connectivity for reporting to all FINRA trade reporting facilities.

[8] In addition to general outreach (industry-wide calls and a Technical Notice), FINRA will contact each individual firm that directly reports to TRACE via CTCI by email and telephone to provide information and assistance in connection with the migration.

[9] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to further analyze the regulatory need for the proposed rule change, the economic baseline, the economic impact, and the alternatives considered.

Regulatory Need

Rule 7730 provides that members may report transactions to TRACE via CTCI protocol. Due to technological advances, FINRA is proposing to discontinue supporting CTCI as means of connectivity for members to report transactions. Therefore, FINRA is proposing to amend Rule 7730 to reflect this change.

Economic Baseline

The baseline for the proposed amendment is current Rule 7730, which allows members to report to TRACE via (1) CTCI, (2) FIX, (3) web browser, or (4) indirectly via a third party intermediary. Presently, 32 members directly report transactions to TRACE via CTCI and 61 members directly report transactions to TRACE via FIX. In addition, five service bureaus report transactions to TRACE via FIX (on behalf of 25 members), and five service bureaus report transactions to TRACE via CTCI (on behalf of 191 members).[10] Firms reporting via either CTCI or FIX are charged $25/month to do so. Firms that report via a web browser are charged $20/month per user ID. For all TRACE-eligible securities, approximately 33% of all transaction reports are received via CTCI, which consists of 23% submitted by members with direct CTCI connections and 10% by service bureaus connected via CTCI.

Economic Impact

The proposal would apply equally to all members who report transactions to TRACE. However, there is no impact to firms that currently report via FIX or a web browser. Only firms reporting via CTCI would incur additional costs as a result of the proposed rule change.

There are 223 members that use CTCI (either directly or indirectly) for TRACE reporting purposes.[11] However, the majority of these members (191) are indirectly impacted—*i.e.,* those who report through a service bureau—since most of the work to migrate to the FIX protocol will be performed by the service bureaus. Although the service bureaus may choose to pass some or all of the cost of reprogramming on to the member firms, the costs would be spread across these firms.

The 32 members reporting directly via their own CTCI connection would incur costs associated with reporting via a new method. These members would face a tradeoff between greater upfront costs and on-going efficiencies. The development of a compliant FIX submission protocol would require up-front investment, but could provide cost-saving efficiency over time.[12] A firm that chooses not to replace CTCI with FIX, but instead chooses to submit their trades via web browser access, will require a more limited initial investment, but relatively more on-going cost. Presumably, firms will choose a new reporting method that minimizes their overall costs or maximizes their efficiency. Anecdotally, FINRA understands that some firms are contemplating discontinuing use of CTCI and migrating to FIX. For these firms, however, the proposal may result in them incurring certain costs sooner than planned.

For FINRA, each protocol type requires maintenance and support, and maintaining two protocols increases operational risk.[13] There is inherent risk associated with supporting any information technology system, including risk of an operational failure. Since CTCI currently is used to collect transaction information, an operational event could negatively impact any market stakeholder that uses disseminated transaction information. Thus, a benefit of this proposal would be to eliminate risk associated with supporting CTCI. Since an operational event could harm the integrity of the market (by resulting in information asymmetry), this benefit should accrue to all market stakeholders. Thus, it is FINRA's view that the benefits of the amendment outweigh any associated cost.

Alternatives Considered

FINRA considered maintaining the status quo and continuing to support CTCI. However, given the decreased reliance on the protocol and that the owner of the protocol does not intend to support it for its new facility,[14] FINRA determined that it is now appropriate to retire the protocol for the purpose of reporting transactions to FINRA facilities.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2018–030 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–FINRA–2018–030. 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

[10] *See supra* note 5.

[11] At the time of this filing, 309 members report to TRACE via CTCI or FIX (either directly or indirectly).

[12] The programming costs that these firms incur would vary due to a number of factors, including existing expertise.

[13] FINRA also should realize cost savings as a result of the proposal, since it no longer would need to maintain a CTCI protocol.

[14] *See supra* note 6.

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 FINRA. 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–FINRA–2018–030, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83871; File No. SR–DTC–2018–007]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Process of the Reduction of Dividend or Interest Payments to a Participant on Treasury Shares or Repurchased Debt Securities

August 17, 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 August 9, 2018, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change of DTC would amend the Operational Arrangements and the Distributions Guide''[5] to streamline the process for reducing payment to a Participant of a dividend or interest payment with respect to an equity or debt security, when such Participant held, on the record date for the distribution: (i) Shares of the security that had been repurchased by the issuer of the security (''Treasury Shares'') or (ii) debt that had been repurchased by the issuer of the debt (''Repurchased Debt Securities''). Specifically, DTC proposes to provide functionality to Participants so that a Participant that held Treasury Shares or Repurchased Debt Securities on the record date would use the Corporate Actions Web (''CA Web'') to reduce its entitlement to the distribution by the amount attributable to the Treasury Shares or Repurchased Debt Securities. The proposed rule change would also amend the Fee Guide to modify and clarify the fees associated with Treasury Shares or Repurchased Debt Securities adjustments.[6] In addition, DTC would make ministerial and clarifying changes to the Operational Arrangements and the Fee Guide, as discussed below.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of DTC (the ''Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx;* the DTC Operational Arrangements (Necessary for Securities to Become and Remain Eligible for DTC Services) (''Operational Arrangements''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf;* the Distributions Service Guide (the ''Distributions Guide''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Service%20Guide%20Distributions.pdf;* and the Guide to the 2018 DTC Fee Schedule (''Fee Guide''), *available at http://www.dtcc.com/~/media/Files/Downloads/legal/fee-guides/dtcfeeguide.pdf.*

[6] The proposed rule changes with respect to the Fee Guide would apply to Treasury Shares or Repurchased Debt Securities position adjustments in connection with distributions with a record date as well as to distributions with an effective date (*i.e.,* mandatory corporate actions). For information on the process for reducing payment on Treasury Shares or Repurchased Debt Securities in connection with an effective date distribution, *see* Operational Arrangements, *supra* note 5, at 42–43.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend the Operational Arrangements and the Distributions Guide to streamline the process for reducing payment to a Participant of a dividend or interest payment with respect to an equity or debt security, when such Participant held, on the record date for the distribution, Treasury Shares or Repurchased Debt Securities. Specifically, DTC proposes to provide functionality to Participants so that a Participant that held Treasury Shares or Repurchased Debt Securities on the record date would use the CA Web to reduce its entitlement to the distribution by the amount attributable to the Treasury Shares or Repurchased Debt Securities. The proposed rule change would also amend the Fee Guide to modify and clarify the fees associated with Treasury Shares or Repurchased Debt Securities adjustments. In addition, DTC would make ministerial and clarifying changes to the Operational Arrangements and the Fee Guide, as discussed below.

(i) Background

A. Dividend and Interest Payments

DTC receives information on dividend and interest payment distributions (each, an ''announcement'') from the issuer, the transfer agent or paying agent of the issuer (each, an ''Agent''), exchanges, trustees, and various other industry sources.[7] An announcement of a distribution typically includes, among other things, a security description and CUSIP, record date, payable date, and either the rate per share for a dividend or the interest rate per $1,000 principal amount. DTC uses the information to

[7] DTC also maintains internal records for scheduled fixed rate interest and principal payments.

publish a notice of the distribution to its Participants.[8]

With respect to a distribution with a record date (a ''Record Date Distribution''), DTC systemically captures the position in the subject security for each Participant as of the record date (''Record Date Position''). DTC calculates the distribution entitlement of each Participant based on its Record Date Position, the rate information in the announcement, and any elections of the Participant with respect to options offered by distribution event, if applicable.[9] Each Participant may view its projected entitlements as calculated by DTC.[10] Based on the aggregate entitlements of all Participants that had position in the CUSIP on the record date, DTC calculates the amount of funds (for an interest payment or cash dividend) and/or shares of stock (for a stock dividend) it expects to receive from the Agent on the payable date (''DTC Expected Payment'').

Typically, on the Business Day prior to the payable date, DTC will confirm the DTC Expected Payment with the Agent. On the payable date, DTC receives the payment of funds and/or shares of stock from the Agent. After DTC validates that it has received the full amount of the DTC Expected Payment, DTC will allocate the distribution to Participants in accordance with the entitlement of each Participant.

B. Current Process for the Reduction of Payment on Treasury Shares or Repurchased Debt Securities (for Cash Dividend, Stock Dividend, or Interest Payments)

An issuer may engage in a stock or debt buyback program, which may include repurchasing its securities through a broker dealer or market maker that is a Participant or a direct or indirect customer of a Participant. If the repurchased securities are neither cancelled by the issuer nor withdrawn from DTC by the Participant before the record date for a distribution, then the Participant would be holding Treasury Shares or Repurchased Debt Securities on the record date.

A Participant that is holding Treasury Shares or Repurchased Debt Securities on the record date (which, by definition, the Participant holds directly or indirectly for the benefit of the issuer), should not receive a distribution payment with respect to such shares because, generally, an issuer does not make a distribution to itself. As such, an Agent should not include Treasury Shares or Repurchased Debt Securities when it calculates the total amount of a Record Date Distribution it will pay DTC on the payable date.

However, DTC does not have independent knowledge of whether a Participant is holding Treasury Shares or Repurchased Debt Securities. If DTC is not aware that the Record Date Position of a Participant includes Treasury Shares or Repurchased Debt Securities, DTC would calculate its DTC Expected Payment based on the total of Record Date Positions of its Participants, including any Treasury Shares or Repurchased Debt Securities. The imbalance may not be discovered until DTC confirms the DTC Expected Payment with the Agent on the Business Day prior to the payable date, or even on the payable date, when DTC may receive a distribution from the Agent that is less than the DTC Expected Payment (because the Agent did not include the funds and/or shares of stock otherwise attributable to the Treasury Shares or Repurchased Debt Securities).

DTC needs to be informed of the amount of any Treasury Shares or Repurchased Debt Securities that were held by any Participant on the record date, so DTC can reduce the captured Record Date Position of the relevant Participant, recalculate the expected entitlement of such Participant and adjust the DTC Expected Payment accordingly. For example, if ten shares of CUSIP X were credited to the account of a Participant on the record date for a dividend distribution for CUSIP X, the captured Record Date Position of the Participant would be ten shares of CUSIP X. Ordinarily, DTC would calculate the amount of the entitlement of the Participant to the dividend by applying the announced rate for the distribution to the Record Date Position of ten shares. However, assume that four of the ten shares of CUSIP X of the Participant's Record Date Position were Treasury Shares. The Participant would not be entitled to receive a dividend for its entire Record Date Position of ten shares of CUSIP X. Once informed that the Participant was holding four shares of CUSIP X that were Treasury Shares on the record date, DTC would need to reduce the Record Date Position of the Participant by four shares. DTC would then need to recalculate the entitlement of the Participant by applying the announced rate to the adjusted Record Date Position of six shares of CUSIP X.

As currently provided in the Operational Arrangements, an issuer or Agent must notify DTC in writing that one or more Participants held Treasury Shares or Repurchased Debt Securities on the record date, and that the DTC Expected Payment will be reduced by the amount attributable to the Treasury Shares or Repurchased Debt Securities held by the Participant(s). The issuer or Agent letter must include identification of the security, record date, payable date, the total number of Treasury Shares or Repurchased Debt Securities held at DTC on the record date, Participant name and number, and number of shares/principal value per Participant subject to the reduction.[11] DTC must also receive a signed letter from each Participant that was holding the Treasury Shares or Repurchased Debt Securities that includes, among other things, a Participant officer-level authorization of the reduction, and an indemnification statement.[12]

The letters from the issuer or Agent and Participant(s) must be emailed to the designated DTC mailbox no later than three Business Days prior to the payable date. Once DTC receives the letters, DTC manually verifies the information in the letters against the applicable distribution announcement for CUSIP, record date, payable date, and rate, and validates the Record Date Position of the applicable Participant(s). DTC staff then use the Position Adjustment Tool (''PAT''), an existing internal function of its Participant Browser System (''PBS''), to reduce the Record Date Position of the Participant(s) by the amount of the Treasury Shares or Repurchased Debt Securities that were held by the Participant(s) on the record date.[13] The

[8] DTC typically publishes announcements via CA Web and International Organization for Standardization (''ISO'') 20022 messaging. For information about CA Web and ISO 20022, *see* Securities Exchange Act Release No. 79746 (January 5, 2017), 82 FR 3372 (January 11, 2017) (SR–DTC–2016–014).

[9] Examples of option types include elections for cash, securities, or a combination of both.

[10] A Participant can obtain information about its Record Date Positions and entitlements from DTC through DTC's Computer-to-Computer Facility (''CCF'') files, CA Web and ISO 20022. For information about CCF files, *see* Securities Exchange Act Release No. 79746 (January 5, 2017), 82 FR 3372 (January 11, 2017) (SR–DTC–2016–014). It is the Participant's responsibility to verify the accuracy of information against its own records, and to report any discrepancy to DTC. *See* Distributions Guide, *supra* note 5, at 24.

[11] Since 2002, the issuer or Agent has been responsible for notifying DTC of a payment reduction due to Treasury Shares or Repurchased Debt Securities. *See* Securities Exchange Release No. 45994 (May 29, 2002), 67 FR 39452 (June 7, 2002) (SR–DTC–2002–02).

[12] In 2011, DTC modified the process to require that the issuer or Agent also provide DTC with Participant(s) confirmation letters of the Treasury Shares or Repurchased Debt Securities that they held on the record date. Securities Exchange Act No. 65901 (December 6, 2011), 76 FR 77281, 77282 (December 12, 2011) (SR–DTC–2011–10).

[13] This adjustment only affects the captured Record Date Position for purposes of the

projected entitlement of the Participant(s) to the distribution is then recalculated by applying the announced rate to the adjusted Record Date Position(s). The manual reduction must be completed on or before two Business Days prior to the payable date, because PAT requires overnight processing. On the Business Day prior to the payable date, DTC reviews and adjusts, as necessary, any of the elections the Participant(s) made prior to the position reduction (*e.g.,* tax elections or dividend reinvestment) that may have been affected by the adjustment.[14]

C. Current Fees

Currently, each Participant is charged fifty dollars ($50) per position adjustment,[15] provided that the adjustment is made no later than two Business Days prior to the payable date (a ''timely'' position adjustment).[16]

If a Participant submits a position adjustment request less than two Business Days prior to the payable date (a ''late'' position adjustment), it is charged a fee of three hundred and fifty dollars ($350) reflecting (i) DTC costs associated with the adjustment, and (ii) a disincentive charge, in order to discourage late position adjustments, which require exception processing.[17]

(ii) Proposal

A. Position Adjustment Tool

DTC is in the process of migrating PAT from PBS to CA Web, and, pursuant to the proposed rule change, would make this functionality available to Participants for this purpose. The proposed rule change would provide that a Participant that held Treasury Shares or Repurchased Debt Securities on the record date must use the PAT functionality on the CA Web to reduce its Record Date Position by the amount of the Treasury Shares or Repurchased Debt Securities it held on the record date.[18] By allowing Participants to use this functionality, and by removing direct DTC intervention, the proposed rule change would help automate and streamline the position adjustment process, reducing the risk of errors and delays associated with the manual submission and processing of Record Date Position adjustments.[19] In addition, for timely position adjustments, an issuer or Agent would no longer be required to initiate the position adjustment.[20]

DTC believes that the process for a Participant to adjust its Record Date Position for a distribution using PAT functionality on CA Web would be straightforward. Currently, a Participant can view its Record Date Position and its entitlement with respect to a specific distribution event on the ''Entitlements'' tab on CA Web. Pursuant to the proposed rule change, the PAT functionality for a Record Date Distribution would be available on the Entitlements tab for any Participant that held a position on the record date. Using PAT, the Participant would reduce its Record Date Position in the subject CUSIP by the amount of Treasury Shares or Repurchased Debt Securities it held on the record date. The DTC system would then systemically recalculate the entitlement of the Participant based on the adjusted Record Date Position.

The proposed rule change would not affect the existing deadline for submitting a timely Record Date Position adjustment.[21] Therefore, a Participant would have to make its position adjustment through the CA Web no later than two Business Days prior to the payable date. If a Participant wants to adjust its entitlement less than two Business Days prior to the payable date, it would have to follow the existing manual process described above.

B. Fee Change

Pursuant to the proposed rule change, DTC would amend the Fee Guide to modify the fees associated with position adjustments with respect to Treasury Shares or Repurchased Debt Securities, in order to (i) align the fees with the operational costs of processing a Record Date Position adjustment and (ii) encourage Participants to process their own Record Date Position adjustments with the PAT functionality through CA Web, rather than relying on the manual and exception processing that is required for a late position adjustment.

Under the proposed rule change, a Participant that adjusts its position no later than two Business Days prior to the payable date would be charged twenty-five dollars ($25) per adjustment, a decrease from the current fee of fifty dollars ($50).[22] DTC believes that the lower fee would be appropriate because DTC would have reduced costs due to the decrease in DTC's manual processing.

In addition, DTC would increase the fee charged to the Participant for a position adjustment performed less than two Business Days prior to the payable date. The fee would be increased from three hundred and fifty dollars ($350) to five hundred dollars ($500) per adjustment. The purpose of the proposed increase is to encourage

distribution. There is no change to the actual position held by the Participant.

[14] The DTC Expected Amount would be recalculated accordingly.

[15] Position adjustment fees are charged per adjustment irrespective of security-type or value of the distribution. These fees also apply to position adjustments with respect to distributions with an effective date. Position adjustments in connection with a distribution with an effective date are infrequent and may occur approximately once a year.

[16] *See* Fee Guide, *supra* note 5, at 8. The fee was established in 2011 at forty dollars ($40) to recover costs. *See* Securities Exchange Act Release No. 63659 (January 6, 2011), 76 FR 2430 (January 13, 2011) (SR–DTC–2010–17). The fee was increased in 2013 to fifty dollars ($50). *See* Securities Exchange Act Release No. 65597 (May 16, 2013), 78 FR 30382 (May 22, 2013) (SR–DTC–2013–06).

[17] *See* Fee Guide, *supra* note 5, at 8. The fee was established in 2011 at three hundred dollars ($300) to recover the increased costs of late adjustments as well as to discourage behavior that was keeping the industry from achieving peak efficiency (*i.e.,* exception processing due to late submissions). *See* Securities Exchange Act Release No. 63659 (January 6, 2011), 76 FR 2430 (January 13, 2011) (SR–DTC–2010–17). When DTC makes a position adjustment with less than two Business Days prior to the payable date, (i) it requires additional analysis, (ii) the payable date activities and calculations for the distribution are disrupted, and (iii) resources need to be diverted to perform research, resolve any imbalance with the Agent, and coordinate the return of any overpayment. The fee was increased in 2013 to three hundred and fifty dollars ($350) to further discourage exception processing and to more closely align to the amount of risk presented, as well as to the costs of additional research and analysis by DTC to ascertain exact event details, Participant entitlements and payment calculations. *See* Securities Exchange Act Release No. 65597 (May 16, 2013), 78 FR 30382 (May 22, 2013) (SR–DTC–2013–06). Approximately two hundred and fifty dollars ($250) of the fee was attributable to cost recovery, the balance of approximately one hundred dollars ($100) was a charge to discourage exception processing. Since then, approximately 10% of all Record Date Position adjustments have been late.

[18] The requirement to use the CA Web PAT functionality would only apply to Record Date Distributions. DTC will continue to use the existing manual process and forms with respect to distributions with an effective date. *See* Operational Arrangements, *supra* note 5, at 42–43.

[19] Such errors may include, but are not limited to, data input errors, event misidentification, and entitlement calculation errors. Such errors could result in incorrect allocations which would need to be reversed and reallocated, thereby affecting payment finality. Even pre-allocation, such errors could lead to an imbalance with the Agent. If DTC cannot balance with the Agent, the allocation of the distribution could be delayed while DTC researches and resolves the issue and rebalances with the Agent. Reversed or delayed allocations could also impact Participants that had relied on the allocation to effect other securities transactions and would therefore impact the prompt and accurate clearance and settlement of securities transactions.

[20] Since the requirement for Participant confirmation letters was added in 2011, DTC has increasingly relied on the Participant confirmation letters and DTC's reconciliation with the issuer or Agent before the payable date. As such, DTC believes that the initial issuer or Agent letter would not be necessary in connection with a Participant's position adjustment through the CA Web, because the entitlements would systemically be updated and would be more easily reconciled with the issuer or Agent.

[21] PAT would continue to require overnight processing.

[22] *See supra* note 16.

Participants to use the PAT functionality to perform Record Date Position adjustments by discouraging the late submissions of position adjustments, which would continue to require manual and exception processing.[23]

(iii) Proposed Rule Changes

A. Operational Arrangements

Section IV.C.2.

Pursuant to the proposed rule change, the Operational Arrangements would be amended to add a paragraph under the current heading ''Reduction of Payment on Treasury or Repurchased Securities (for Cash Dividend or Interest Payment),'' which would be retitled ''Reduction of Payment on Treasury Shares or Repurchased Debt Securities (for Cash Dividend or Interest Payment)'' to clarify that the process applies to both debt and equity securities. The proposed paragraph would state that ''[a] Participant that holds treasury shares or repurchased debt securities (*i.e.,* issuer buy-back) at DTC on the record date for a cash dividend or interest payment shall submit an instruction through the Corporate Actions Web (''CA Web'') to reduce its entitlement to the payment by the amount attributable to such treasury shares or repurchased securities. Such instruction must be submitted by the Participant no later than two business days prior to payable date; otherwise, an instruction will need to be manually submitted to DTC in accordance with the below process.''

The proposed rule change would not substantively change the existing paragraph that describes the manual process that would be required of the issuer or Agent if a Participant does not submit an instruction through CA Web no less than two Business Days prior to the payable date. However, pursuant to the proposed rule change, the paragraph would be amended to clarify language. Specifically, the paragraph would reflect that the manual process would apply if the Participant does not submit an instruction through CA Web, and language about a deadline that is no longer applicable would be removed.

Section IV.D.3.

Pursuant to the proposed rule change, the Operational Arrangements would be amended to add a paragraph under the current heading ''Reduction of Payment on Treasury or Repurchased Securities (for Stock Dividend Payments),'' which would be retitled ''Reduction of Payment on Treasury Shares (for Stock Dividend Payments)'' to clarify that the process applies to equity securities. The proposed paragraph would state that ''[a] Participant that holds treasury shares at DTC on the record date for a stock dividend payment shall submit an instruction through the CA Web to reduce its entitlement to the distribution by the amount attributable to such treasury shares. Such instruction must be submitted by the Participant no later than two business days prior to payable date; otherwise, an instruction will need to be manually submitted to DTC in accordance with the below process.''

The proposed rule change would not substantively change the existing paragraph that describes the manual process that would be required of the issuer or Agent if a Participant misses the cut-off for adjusting its Record Date Position with PAT. However, pursuant to the proposed rule change, the paragraph would be amended to streamline language. Specifically, the paragraph would reflect that it would apply if the Participant does not submit an instruction through CA Web no less than two Business Days prior to the payable date, and language about a deadline that is no longer applicable would be removed.

Section VI.B.1.

In addition, for consistency, DTC proposes to replace the current heading with ''Reduction of Payment on Treasury Shares or Repurchased Debt Securities.''

B. Distributions Guide

As discussed above, pursuant to the proposed rule change, an issuer or Agent would no longer be required to initiate a Record Date Position adjustment with respect to Treasury Shares or Repurchased Debt Securities.[24] Rather, a Participant that held Treasury Shares or Repurchased Debt Securities on the record date for a distribution would be able to directly adjust its own Record Date Position. As such, DTC is proposing to amend the Distributions Guide to add a section titled ''Position Adjustment for Reduction of Payment on Treasury Shares or Repurchased Debt Securities (for Record Date Distributions).'' The section would provide that ''[t]o the extent that a participant is holding treasury shares or repurchased debt securities (*i.e.,* issuer buyback) on the record date for a cash or stock dividend or interest payment, the participant may not be entitled to the distribution. The participant must utilize the position adjustment tool in CA Web to reduce its record date position of the subject CUSIP by the amount of the treasury or repurchased securities, so that it will not be funded on payable date for such securities. Position adjustments through CA Web must be made no later than two business days prior to payable date. On or after the business day prior to payable date, the adjustment will need to be manually processed, as further described in the Operational Arrangements, and the participant will be subject to an additional fee.''

C. Fee Guide

Pursuant to the proposed rule change, the Fee Guide would be amended to reflect that the fee charged to a Participant that adjusts its position with respect to Treasury Shares or Repurchased Debt Securities on or before two Business Days prior to the payable date would be twenty-five dollars ($25), a decrease from the current fee of fifty dollars ($50). The Fee Guide would also be amended to reflect that the fee charged to a Participant for a position adjustment performed less than two Business Days prior to the payable date would be increased from three hundred and fifty dollars ($350) to five hundred dollars ($500).

For enhanced clarity, DTC is proposing to change the relevant heading in the Fee Guide from ''Treasury Shares'' to ''Treasury Shares or Repurchased Debt Securities Adjustments'' to reflect that the process and fees apply to both equity and debt securities. For consistency, DTC would also modify the fee names under this heading from ''Treasury Shares Adjustments'' to ''Treasury Shares or Repurchased Debt Securities Adjustments'' and from ''Late Treasury Shares Adjustments'' to ''Late Treasury Shares or Repurchased Debt Securities Adjustments.''

Pursuant to the proposed rule change, DTC would modify the conditions listed in the Fee Guide to clarify the time at which an adjustment is late, in order to conform to current practice. For ''Treasury Shares or Repurchased Debt Securities Adjustments,'' the condition would be modified to state: ''Per adjustment made on or before 2 business days prior to payable date.'' For ''Late Treasury Shares or Repurchased Debt Securities Adjustments,'' the condition would be modified to state: ''Per adjustment made less than 2 business days prior to payable date.''

D. Implementation Timeframe

DTC expects to implement the proposed changes no earlier than thirty

[23] *See supra* note 17. Approximately two hundred and fifty dollars ($250) of the proposed fee would be attributable to cost, and the balance of approximately two hundred and fifty dollars ($250) would be a disincentive charge.

[24] *See supra* note 20.

(30) days after the date of filing, or such shorter time as the Commission may designate, and no later than October 1, 2018. DTC would announce the implementation date of the proposed change by Important Notice, posted to its website.

2. Statutory Basis

DTC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Specifically, DTC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [25] and Section 17A(b)(3)(D) of the Act [26] for the reasons described below.

Section 17A(b)(3)(F) of the Act requires, *inter alia,* that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[27] By automating the Record Date Position adjustment process for Treasury Shares and Repurchased Debt Securities, thereby reducing the manual intervention by DTC, the proposed rule change would (i) increase the efficiency of the DTC centralized processing of dividend and interest payments by streamlining the Record Date Position adjustment process, and (ii) reduce the risk of errors and delays associated with manual processing,[28] which DTC believes would promote the prompt and accurate clearance of securities transactions by DTC. In addition, the proposed rule change would make clarifying and ministerial changes to the Operational Arrangements and Fee Guide. Making clarifying and ministerial changes to help ensure that the procedures relating to position adjustments in connection with Treasury Shares or Repurchased Debt Securities are accurate and clear would facilitate Participants' understanding of their rights and obligations with respect thereto. When Participants better understand their rights and obligations regarding DTC's services, they can act in accordance with the Rules, which DTC believes would promote the prompt and accurate clearance and settlement of securities transactions by DTC. Therefore, DTC believes that these proposed rule changes would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act, cited above.

Section 17A(b)(3)(D) of the Act requires, inter alia, that the Rules provide for the equitable allocation of reasonable fees among Participants.[29] DTC believes that the proposed rule change to the fee with respect to a timely position adjustment would provide for the equitable allocation of reasonable fees. DTC's manual intervention in the Record Date Position adjustment process would be reduced because Participants would be able to use the PAT functionality to make their Record Date Position adjustments, and therefore DTC's costs with respect to processing timely Record Date Position adjustments would decrease. Pursuant to the proposed rule change, the fee would be reduced to align with the anticipated decrease in operational costs for DTC, and therefore would be reasonable. In addition, the fee would continue to be charged on a per adjustment basis and would therefore be equitably allocated because all Participants that perform timely position adjustments would be treated equally under the proposal.

DTC believes that the proposed rule changes to the fee with respect to a late position adjustment would provide for the equitable allocation of reasonable fees. Currently, the fee is designed (i) to align with DTC's operational cost (approximately 71% of the fee), and (ii) to have a deterrent effect on late adjustments (approximately 29% of the fee). DTC's operational costs for late position adjustments would not change pursuant to the proposed rule change. However, as noted above, under the current fee approximately 10% of Record Date Position adjustments continue to be late, which suggests that the disincentive portion of the current fee does not have a sufficient deterrent effect. Further, pursuant to the proposed rule change, the risks associated with the manual processing of late position adjustments—the risk of error and the associated risks of delayed allocation or re-allocation of the distribution—would be disproportionately greater than any risks associated with timely position adjustments. Currently, both timely and late Record Date Position adjustments carry the risks associated with manual processing. However, pursuant to the proposed rule change, only late Record Date Position adjustments would be subject to the risks of manual processing because timely Record Date Position adjustments would be performed through the CA Web. Given the insufficient deterrent effect of the current fee and the disproportionate risks of late position adjustments, DTC believes that discouraging late Record Date Position adjustments would be more crucial than before. As such, DTC believes that the proposed increase of the fee is reasonable because the increase from three hundred and fifty dollars ($350) to five hundred dollars ($500) is a modest amount designed to provide a stronger disincentive to Participants from submitting late position adjustments. DTC believes that this stronger disincentive could reduce the number of late position adjustments and encourage Participants to use the PAT functionality through CA Web, thereby promoting an efficient process and avoiding the risks of manual processing, which could result in delayed allocations or otherwise affect payment finality. In addition, DTC believes that the proposed rule change provides for the equitable allocation of fees because all Participants that submit a late position adjustment would be equally subject to the fee, which would continue to be charged on a per adjustment basis irrespective of security-type or value of the distribution. Therefore, DTC believes that the proposed rule change would provide for the equitable allocation of reasonable fees among Participants, consistent with Section 17A(b)(3)(D) of the Act.

In addition, the proposed rule change is designed to be consistent with Rule 17Ad–22(e)(21) promulgated under the Act.[30] Rule 17Ad–22(e)(21) requires DTC, inter alia, to establish, implement, maintain and enforce written policies and procedures reasonably designed to be efficient and effective in meeting the requirements of its participants and the markets it serves. The proposed rule change, as described above, would modify the Operational Arrangements and the Distributions Guide to streamline the position adjustment process for Participants that held Treasury Shares or Repurchased Debt Securities on the record date for a dividend or interest payment, which would enhance (i) efficiency in making such adjustments by reducing DTC's manual intervention in the process, and (ii) effectiveness in making such adjustments by providing PAT functionality to Participants to make their own Record Date Position adjustments and discouraging manual processing. Therefore, by establishing a more efficient and effective process for Participants to reduce their entitlements to Record Date Distributions in respect of Treasury Shares or Repurchased Debt Securities, and consequently, for DTC to allocate Record Date Distributions, DTC

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 15 U.S.C. 78q–1(b)(3)(D).

[27] 15 U.S.C. 78q–1(b)(3)(F).

[28] *See supra* note 19.

[29] 15 U.S.C. 78q–1(b)(3)(D).

[30] 17 CFR 240.17Ad–22(e)(21).

believes that the proposed change is consistent with the requirements of Rule 17Ad–22(e)(21), promulgated under the Act, cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC believes that the proposed rule change with respect to streamlining the process for reducing payment to a Participant of a dividend or interest payment, when such Participant held Treasury Shares or Repurchased Debt Securities on the record date for the distribution, would not have an impact on competition.[31] Although the proposed rule change requires Participants to use the CA Web to make Record Date Position adjustments, the requirement to use the CA Web, which would facilitate the position adjustment process for all Participants, would not impose a burden on competition. The CA Web is an existing DTC platform that all Participants are required to use to access other types of services, and is already used by Participants to view their Record Date Positions and related entitlements. In addition, the requirement would apply equally to all Participants that held Treasury Shares or Repurchased Debt Securities on the record date for a dividend or interest payment. Therefore, DTC believes that the proposed rule change with respect to streamlining the process of Record Date Position adjustments would not impose a burden on competition.

DTC believes that the proposed rule change to decrease the fee for a timely position adjustment may impact competition, but would not create a burden on competition.[32] The decreased fee could promote competition by positively impacting Participants' operating costs. Based on the foregoing, DTC believes that the proposed rule change would not impose a burden on competition, but may promote competition.

DTC believes that the proposed rule change to increase the fee for a late position adjustment could have an impact on competition because it could create a burden on competition by increasing Participants' fees and thereby negatively affect such Participants' operating costs. However, DTC believes that any burden on competition would not be significant and would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[33] DTC believes any burden on competition would not be significant because (i) ideally, the fee would apply no one, as Participants would be discouraged from submitting late position adjustments, (ii) the fee would only apply when a Participant holds Treasury Shares or Repurchased Debt Securities on the record date of a dividend or interest distribution, and a Participant could only be charged once per distribution event, (iii) the fee would be charged on a per-adjustment basis, irrespective of security-type or value of the distribution, and would apply equally to any Participant that submits a late position adjustment, (iv) Participants can manage their late fees by making timely position adjustments, and (v) the amount of the increase, one hundred and fifty dollars ($150), is a modest amount that could be managed by Participants by making timely position adjustments. Therefore, DTC believes that the proposed rule change to the fee for late position adjustments would not impose a significant burden on competition.[34]

DTC believes that any burden on competition that may be created by the proposed rule change to increase the fee for late position adjustments would be necessary and appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[35] DTC believes that the proposed rule change to increase the fee for late position adjustments, in order to encourage streamlined processing of position adjustments and discourage manual and exception processing of position adjustments, would be necessary in furtherance of the purposes of the Act because the Rules must be designed to promote the prompt and accurate clearance and settlement of securities transactions.[36] As discussed above, under the current fee approximately 10% of Record Date Position adjustments continue to be late, which suggests that the disincentive portion of the current fee does not have a sufficient deterrent effect. Further, pursuant to the proposed rule change, the risks associated with the manual processing of late position adjustments—the risk of error and the associated risks of delayed allocation or re-allocation of the distribution—would be disproportionately greater than any risks associated with timely position adjustments. Currently, both timely and late Record Date Position adjustments carry the risks associated with manual processing, but pursuant to the proposed rule change, only late Record Date Position adjustments would be subject to the risks of manual processing because timely Record Date Position adjustments would be performed through the CA Web. In light of the insufficient deterrent effect of the current fee and the disproportionate risks of late position adjustments, DTC believes that increasing the fee for late position adjustments is necessary in order to discourage late Record Date Position adjustments, which may lead to errors that could result in an imbalance with the Agent and delayed allocation or incorrect allocations which would need to be reversed and reallocated, thereby affecting payment finality. In addition, reversed or delayed allocations could also impact Participants that had relied on the allocation to effect other securities transactions. Thus, DTC believes that the proposed rule change to increase the fee for late position adjustments is designed to promote the prompt and accurate clearance and settlement of securities transactions and would therefore be necessary in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.

DTC believes that the proposed rule change to increase the fee for late position adjustments, in order to encourage streamlined processing of position adjustments and to discourage manual and exception processing of position adjustments, would be appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[37] As discussed above, DTC believes that the current fee does not have a sufficient deterrent effect on late position adjustments. Therefore, DTC believes that it would be appropriate to increase the disincentive portion of the fee by one hundred and fifty dollars ($150) in order to strengthen the deterrent effect of the fee on late position adjustments. In addition, DTC believes that the proposed rule change provides for the equitable allocation of fees because all Participants that submit a late position adjustment would be equally subject to the fee, which would continue to be charged on a per adjustment basis irrespective of security-type or value of the distribution. Therefore, DTC believes that the proposed rule change to increase the late fee for late position adjustments would be appropriate in furtherance of the purposes of the Act, as permitted by Section 17A(b)(3)(I) of the Act.[38]

DTC does not believe that the proposed rule change with respect to the clarifying and ministerial changes to

[31] 15 U.S.C. 78q–1(b)(3)(I).

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] 15 U.S.C. 78q–1(b)(3)(I).

[38] *Id.*

the Operational Arrangements and the Fee Guide would have any impact on competition [39] because it would merely update the Operational Arrangements and the Fee Guide to make changes for accuracy and clarity, and therefore would not affect the rights and obligations of any Participant or other interested party.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to this proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

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 and Rule 19b–4(f)(6) 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.

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–DTC–2018–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2018–007. 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 DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2018–007 and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18159 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[39] *Id.*

[40] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83877; File No. SR–CBOE–2018–057]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Options Regulatory Fee

August 17, 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 August 9, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to decrease the Options Regulatory Fee (''ORF'') from $0.0049 per contract to $0.0028 per contract in order to help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, meets the Exchange's total regulatory costs.[3]

The ORF is assessed by Cboe Options to each Trading Permit Holder (''TPH'') for options transactions cleared by the TPH that are cleared by the Options

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee change on August 1, 2018 (SR–CBOE–2018–054) for August 1, 2018 effectiveness. On business date August 9, 2018, the Exchange withdrew that filing and submitted this filing.

Clearing Corporation (''OCC'') in the customer range, regardless of the exchange on which the transaction occurs.[4] In other words, the Exchange imposes the ORF on all customer-range transactions cleared by a TPH, even if the transactions do not take place on the Exchange. The ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder (''CTPH'') or non-CTPH that ultimately clears the transaction. With respect to linkage transactions, Cboe Options reimburses its routing broker providing Routing Services pursuant to Cboe Options Rule 6.14B for options regulatory fees it incurs in connection with the Routing Services it provides.

Revenue generated from ORF, when combined with all of the Exchange's other regulatory fees and fines, is designed to recover a material portion of the regulatory costs to the Exchange of the supervision and regulation of TPH customer options business. Regulatory costs include direct regulatory expenses and certain indirect expenses for work allocated in support of the regulatory function. The direct expenses include in-house and third party service provider costs to support the day to day regulatory work such as surveillances, investigations and examinations. The indirect expenses include support from such areas as human resources, legal, information technology and accounting. These indirect expenses are estimated to be approximately 10% of Cboe Options' total regulatory costs for 2018. Thus, direct expenses are estimated to be approximately 90% of total regulatory costs for 2018. In addition, it is Cboe Options' practice that revenue generated from ORF not exceed more than 75% of total annual regulatory costs. These expectations are estimated, preliminary and may change. There can be no assurance that our final costs for 2018 will not differ materially from these expectations and prior practice; however, the Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange also notes that its regulatory responsibilities with respect to TPH compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement.[5] The ORF is not designed to cover the cost of that options sales practice regulation.

The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies TPHs of adjustments to the ORF via regulatory circular. The Exchange endeavors to provide TPHs with such notice at least 30 calendar days prior to the effective date of the change.

The Exchange lastly proposes a couple of minor clean up changes to the Fees Schedule. Particularly, the ORF is listed as being $0.0081 per contract through January 31, 2018 and $0.0049 per contract effective February 1, 2018. As these dates have passed and the ORF is now simply $0.0028 per contract, the Exchange proposes to delete the reference to the ORF being $0.0081 per contract through January 31, 2018 and the February 1, 2018 effective date of the $0.0049 per contract ORF.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[7] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposed fee change is reasonable because it would help ensure that revenue collected from the ORF, in combination with other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those TPHs that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor-intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the non-customer component (*e.g.,* TPH proprietary transactions) of its regulatory program.[9] The Exchange believes the proposed fee change is equitable and not unfairly discriminatory in that it is charged to all TPHs on all their transactions that clear in the customer range at the OCC.

The Exchange believes the proposal to eliminate obsolete language with respect to past ORF rates maintains clarity in the rules and alleviates potential confusion, thereby protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This proposal does not create an unnecessary or inappropriate intra-market burden on competition because the ORF applies to all customer activity, thereby raising regulatory revenue to offset regulatory expenses. It also supplements the regulatory revenue derived from non-customer activity. This proposal does not create an unnecessary or inappropriate inter-market burden on competition because it is a regulatory fee that supports regulation in furtherance of the purposes of the Act. The Exchange is obligated to ensure that the amount of regulatory revenue collected from the ORF, in combination with its other regulatory fees and fines, does not exceed regulatory costs.

[4] The ORF also applies to customer-range transactions executed during Extended Trading Hours.

[5] *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] If the Exchange changes its method of funding regulation or if circumstances otherwise change in the future, the Exchange may decide to modify the ORF or assess a separate regulatory fee on TPH proprietary transactions if the Exchange deems it advisable.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 [11] 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 will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CBOE–2018–057 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 No. SR–CBOE–2018–057. 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 No. SR–CBOE–2018–057, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18162 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83872; File No. SR–CBOE–2018–55]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of a Proposed Rule Change Relating To Amend Rule 6.21., Give Up of a Clearing Trading Permit Holder

August 17, 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 August 7, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the give up of a Clearing Trading Permit Holder by a Trading Permit Holder on exchange transactions.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 6.21, which governs the give up of a Clearing Trading Permit Holder (''Clearing TPH'') by a Trading Permit Holder (''TPH'') on Exchange transactions.

Background

By way of background, Cboe Options Rule 6.21 provides that when a TPH executes a transaction on the Exchange, it must give up the name of the CTPH (the ''Give Up'') through which the transaction will be cleared. Rule 6.21 also provides that a TPH may only give up a ''Designated Give Up'' or its ''Guarantor.'' This limitation is enforced by the Exchange's trading systems.

A ''Designated Give Up'' is currently defined as any CTPH that a TPH (other than a Market-Maker [3]) identifies to the Exchange, in writing, as a CTPH that the TPH would like to have the ability to give up. To designate a ''Designated Give Up'' a TPH must submit written

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For purposes of this rule, references to ''Market-Maker'' shall refer to Trading Permit Holders acting in the capacity of a Market-Maker and shall include all Exchange Market-Maker capacities (*e.g.,* Designated Primary Market-Makers and Lead Market-Makers).

notification, in a form and manner determined by the Exchange, to the Membership Services Department (''MSD''). Specifically, the Exchange uses a standardized form (''Notification Form'') that a TPH needs to complete and submit to MSD. The Exchange notes that a TPH may currently designate any CTPH as a Designated Give Up. Additionally, there is no minimum or maximum number of Designated Give Ups that a TPH must identify. Rule 6.21 also requires that the Exchange notify a CTPH, in writing and as soon as practicable, of each TPH that has identified it as a Designated Give Up. The Exchange however, will not accept any instructions from a CTPH to prohibit a TPH from designating the CTPH as a Designated Give Up. Additionally, there is no subjective evaluation of a TPH's list of proposed Designated Give Ups by the Exchange.

Rule 6.21 also defines ''Guarantor''. For purposes of Rule 6.21, a ''Guarantor'' refers to a CTPH that has issued a Letter of Guarantee or Letter of Authorization for the executing TPH under the Exchange Rules that is in effect at the time of the execution of the applicable trade.[4] An executing TPH may give up its Guarantor without having to first designate it to the Exchange as a ''Designated Give Up.''[5] Additionally, the Exchange notes that a Market-Maker is only enabled to give up the Guarantor of the Market-Maker pursuant to Cboe Options Rule 8.5 and also does not need to identify any Designated Give Ups.

Recently, several bank-affiliated clearing firm members of the Securities Industry and Financial Markets Association (''SIFMA'') expressed concerns related to the process by which executing brokers on U.S. options exchanges (the ''Exchanges'') are allowed to designate or 'give up' a clearing firm for purposes of clearing particular transactions. The SIFMA member clearing firms indicated that the Federal Reserve has recently identified the current give-up process as a significant source of risk for clearing firms. SIFMA member clearing firms subsequently requested that the Exchanges alleviate this risk by amending Exchange rules governing the give up process.

Proposed Rule Change

The Exchange proposes to amend Rule 6.21 to provide that TPHs will no longer be able to designate any CTPH for which they desire to give up. Rather, the Exchange proposes to provide that TPHs must first have received written authorization from a CTPH before it may give up that CTPH.

In connection with this proposed change, the Exchange first proposes to eliminate the term ''Designated Give Up'' throughout Rule 6.21 and replace it with the term ''Authorized Give Up'' and make other corresponding changes. The Exchange also proposes to amend subparagraph (b)(i) to explicitly define ''Authorized Give Up''. For purposes of Rule 6.21, an Authorized Give Up of a TPH will refer to a CTPH which has authorized that TPH to have the ability to give up that CTPH and which has been processed by the Exchange.

The Exchange next proposes to amend subparagraph (b)(iii) of Rule 6.21, which governs the identification of Authorized Give Ups. Going forward, CTPHs must identify, in a form and manner prescribed by the Exchange, any TPH which will be authorized to give up that CTPH (other than a Market-Maker or TPH for which it is the Guarantor).[6] To facilitate this identification, the Exchange proposes to eliminate the current Notification Form and replace it with a new standardized authorization form titled ''Cboe Options Exchange Clearing Trading Permit Holder Give Up Authorization Form'' (''Authorization Form''), which both the TPH and CTPH would need to complete and subsequently submit to the Exchange. A copy of the proposed Authorization Form is attached in Exhibit 3.

The Exchange also proposes to amend subparagraph (b)(iv) of Rule 6.21. Currently Rule 6.21(b)(iv) provides that any TPH (other than a Market-Maker) may designate any CTPH as a Designated Give Up. In light of the proposed change to require authorization from CTPHs, the Exchange proposes to revise Rule 6.21(b)(iv) accordingly to make clear that any CTPH may authorize any TPH to use it as an Authorized Give Up. The Exchange also proposes to eliminate the language in subparagraph (b)(iv) that provides that the Exchange will not accept instructions with respect to its designation as a Designated Give Up. Particularly, Rule 6.21(b)(iv) provides that the Exchange will not accept any instructions, or give effect to any previous instructions, from a CTPH not to permit a TPH to designate the CTPH as a Designated Give Up. The proposal to require authorization from a CTPH prior to being able to give them up renders this provision obsolete and unnecessary. The Exchange accordingly proposes to eliminate this language.

The Exchange next proposes to amend subparagraph (b)(vi) of Rule 6.21 to make clear that a Guarantor for a TPH will be enabled to be given up for that TPH without any further action by the CTPH as well as the TPH.

The Exchange proposes to amend subparagraph (b)(vii), which currently governs the removal of Designated Give Ups. Currently, if a TPH (other than a Market-Maker) no longer wants the ability to give up a particular Designated Give Up, the TPH must notify the Exchange, in a form and manner prescribed by the Exchange. The Exchange proposes to update this provision in light of the proposed requirement to receive authorization from a CTPH. Particularly, the Exchange proposes to provide that if a CTPH no longer wants a particular TPH (for which it is not the Guarantor)[7] to have the ability to give them up as an Authorized Give Up, the CTPH must notify the Exchange, in a form and manner prescribed by the Exchange. The Exchange anticipates utilizing the same Authorization Form noted above to facilitate revocations of give up authorization.

The Exchange notes that its trading system is currently configured to only accept orders from a TPH which identify a Designated Give Up or Guarantor for that TPH and will reject any order entered by a TPH which designates a Give Up that is not at the time a Designated Give Up or Guarantor of the TPH. The Exchange notes that its systems will continue to be configured to enforce its Give-Up rule. Particularly, going forward, the Exchange's trading system will reject any order entered by a TPH which designates a Give Up that is not an Authorized Give Up or Guarantor for that TPH.[8]

The Exchange will also continue to provide certain notices to TPHs. Currently, pursuant to subparagraph (d) of Rule 6.21, the Exchange provides notice to a TPH in writing when an identified Designated Give Up becomes ''effective'' (*i.e.,* when a CTPH that has been identified by the TPH as a Designated Give Up has been enabled by the Exchange's trading systems to be

[4] *See* Cboe Options Rule 3.28, Cboe Options Rule 6.72, and Cboe Options Rule 8.5.

[5] The Exchange already knows each TPH's Guarantor and as such, no further designation or identification is required of TPHs to enable their respective Guarantors.

[6] As a Guarantor of a TPH has already provided a Letter of Guarantee or Letter of Authorization for that TPH's trading activities on the Exchange, no further authorization is necessary.

[7] As discussed above, all TPHs will be enabled to give up their respective Guarantor without further action from the CTPH or TPH. This does not preclude a Guarantor from revoking a Letter of Guarantee or Letter of Authorization for any TPH pursuant to Cboe Options Rules 3.28. 6.72, and 8.5.

[8] *See* proposed changes to Rule 6.21(c).

given up).[9] Under the proposed rule, the Exchange will continue to provide notice to a TPH in writing when an Authorized Give Up becomes ''effective''. The Exchange also proposes to notify a TPH, in writing and as soon as practicable, of each CTPH that has revoked its authorization for that TPH.

The Exchange lastly notes that other than updating references from ''Designated Give Up'' to ''Authorized Give Up'', it is not changing its rules relating to acceptance and rejection of a trade by a Give Up.[10]

The Exchange believes the proposed rule changes will help limit clearing firm risk and thereby enable clearing firms to continue to provide the listed options market with vital clearing services, which helps protect investors and the public interest consistent with the Securities Exchange Act of 1934 (the ''Act'').

Implementation Date

The Exchange proposes to announce the implementation date of the proposed rule change in an Exchange Notice, to be published no later than thirty (30) days following Commission approval. The implementation date will be no later than sixty (60) days following Commission approval. The Exchange notes this additional time gives CTPHs time to provide authorization of all TPHs that they would like to authorize as having the ability to give the CTPH up and gives the Exchange time to process those lists and configure its system accordingly.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Particularly, as discussed above, several bank-affiliated clearing firm members have recently expressed concerns relating to the current give up process which permits TPHs to identify any CTPH as a Designated Give Up for purposes of clearing particular transactions. Also as noted above, the CTPHs have relayed that the Federal Reserve has recently identified the current give-up process (*i.e.,* a process that lacks authorization) as a significant source of risk for clearing firms. The Exchange believes the proposed changes to Rule 6.21 help alleviate this risk by requiring TPHs to receive affirmative authorization from CTPHs in order to be able to use that CTPH for purposes of clearing transactions. The Exchange believes this authorization provides proper safeguards and protections for CTPHs as it alleviates CTPHs of certain risks that can be associated with any TPH giving them up and of which they have no control. The Exchange also believes its proposed Authorization Form allows the Exchange to receive in a uniform fashion, written and transparent authorization from CTPHs, which ensures seamless administration of the Rule.

The Exchange believes that its proposed change to its give up rule strikes the right balance between the various views and interests across the industry. For example, although the proposed change now requires TPHs to seek authorization from CTPHs (other than their Guarantors) in order to have the ability to give them up, each TPH will still have the ability to give up their Guarantor without obtaining further authorization. Additionally, the Exchange notes that CTPH authorization will not be on a trade-by-trade basis. Accordingly, the rule still provides for a procedure for a CTPH to ''reject'' a trade in accordance with the Rules, both on the trade date and T+1, which provides recourse to those CTPHs which, notwithstanding prior authorization to use them generally as a Give Up, should not be obligated to clear certain trades for which they are given up (provided they have a valid reason to reject the trade). The Exchange also notes that ultimately, the trade can always be assigned to the Guarantor of the executing TPH.[14] Accordingly, the Exchange believes the proposed rule change is reasonable and continues to provide certainty that a CTPH will always be responsible for a trade, which protects investors and the public interest.

The Exchange believes the corresponding changes to Rule 6.21, makes clear the proposed change to the give up process and maintains clarity in the rules, thereby protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on 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 an unnecessary burden on intramarket competition because it will apply equally to all similarly situated TPHs and CTPHs. The Exchange also notes that, should the proposed changes make Cboe Options more attractive for trading, market participants trading on other exchanges can always elect to become TPHs on Cboe Options to take advantage of the trading opportunities.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

[9] Currently, a Guarantor for a TPH is always enabled to be given up for a TPH without any action by the TPH. As previously discussed, under the proposed rule a TPH's Guarantor will continue to be enabled for that TPH without further action from the Guarantor or the TPH.

[10] Similarly, no changes are being proposed to the Give Up Change Form and Give Up Change Form for Accepting Clearing Trading Permit Holders.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] As noted in the filing that originally adopted current Rule 6.21, the Exchange believes that the executing TPH's Guarantor, absent a CTPH that agrees to accept the trade, should become the Give Up on any trade which an Authorized Give Up determines to reject in accordance with the rule, because the Guarantor, by virtue of having issued a Letter of Guarantee or Authorization, has already accepted financial responsibility for all Exchange transactions made by the executing TPH. *See* Securities Exchange Act Release No. 72668 (July 24, 2014), 79 FR 44229 (July 30, 2014) (SR–CBOE–2014–048).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2018–55 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–CBOE–2018–55. 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–CBOE–2018–55, and should be submitted on or before September 13, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–18160 Filed 8–22–18; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Revocation of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration by the Windup Order of the United States District Court for the District of New Jersey, entered November 28, 2016, the United States Small Business Administration hereby revokes the license of Redstone Business Lenders, LLC., a New Jersey Limited Partnership, to function as a small business investment company under the Small Business Investment Company License No. 02020209 issued to Redstone Business Lenders, LLC, on November 16, 1963, and said license is hereby declared null and void as of November 28, 2016.

United States Small Business Administration.

A. Joseph Shepard,

Administrator for Investment and Innovation.

[FR Doc. 2018–18096 Filed 8–22–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10517]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: ''Everything Is Connected: Art and Conspiracy'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Everything Is Connected: Art and Conspiracy,'' 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 Metropolitan Museum of Art, New York, New York, from on or about September 18, 2018, until on or about January 6, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, 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. 2018–18176 Filed 8–22–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10518]

Notice of Determinations; Culturally Significant Object Imported for Exhibition—Determinations: ''Odyssey: Jack Whitten Sculpture, 1963–2017'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the exhibition ''Odyssey: Jack Whitten Sculpture, 1963–2017,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about September 6, 2018, until on or about December 2, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, 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. 2018–18178 Filed 8–22–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10516]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition—Determinations: "Chagall, Lissitzky, Malevich: The Russian Avant Garde in Vitebsk, 1918–1922" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Chagall, Lissitzky, Malevich: The Russian Avant Garde in Vitebsk, 1918–1922,'' 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 Jewish Museum, New York, New York, from on or about September 14, 2018, until on or about January 6, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, 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. 2018–18175 Filed 8–22–18; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 35325 (Sub-No. 1)]

CSX Transportation, Inc.—Trackage Rights Amendment Exemption—Illinois Central Railroad Company

CSX Transportation, Inc. (CSXT), a Class I railroad, has filed a verified notice of exemption under 49 CFR 1180.2(d)(7) to amend the existing limited overhead trackage rights previously granted to it by the Illinois Central Railroad Company (IC).[1] The existing trackage rights extend over IC's line of railroad between: (1) The Decatur Street road crossing, at or near milepost 77.7, and milepost 76.7, on IC's Peoria Subdivision, including IC's connection with CSXT (approximately 1 mile); (2) milepost 30.5 and milepost 28.6 on IC's Peoria Subdivision (Green Switch Spur) (approximately 1.9 miles); and (3) IC's lead track from its connection to the Green Switch Spur to IC's connection with the ADM Run-Around-Yard on IC's Peoria Subdivision (approximately 0.7 miles). The total distance is approximately 3.6 miles, all in Decatur, Ill.

CSXT states that the purpose of the Amendment is to prohibit CSXT and its successors and assigns from moving Toxic Inhalation Hazard and Poison Inhalation Hazard cars on the trackage rights.[2]

The transaction is scheduled to be consummated on or shortly after September 6, 2018. The earliest this transaction may be consummated is September 6, 2018, the effective date of the exemption (30 days after the verified notice of exemption was filed).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk & Western Railway—Trackage Rights—Burlington Northern, Inc.,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Railway—Lease & Operate—California Western Railroad,* 360 I.C.C. 653 (1980).

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by August 30, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35325 (Sub-No. 1), must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, and Steven C. Armbrust, CSX Transportation, Inc., 500 Water Street J–150, Jacksonville, FL 32202.

Board decisions and notices are available on our website at ''*WWW.STB.GOV.*''

Decided: August 20, 2018.

By the Board, Amy C. Ziehm, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–18328 Filed 8–22–18; 8:45 am]

BILLING CODE 4915–01–P

[1] CSXT is a subsidiary of CSX Corporation and IC is a subsidiary of Grand Trunk Corporation, which in turn is a wholly owned subsidiary of Canadian National Railway Company.

[2] IC agreed to grant limited overhead trackage rights to CSXT in 2009. *CSX Transp., Inc.—Trackage Rights Exemption—Ill. Cent. R.R.,* FD 35325 (STB served Dec. 18, 2009). The trackage rights agreement, as amended, does not restrict IC's rights to use the tracks.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation: Notice of Availability of the Final Programmatic Environmental Assessment and Finding of No Significant Impact/Record of Decision for Front Range Airport Launch Site Operator License, Spaceport Colorado

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), Council on Environmental Quality NEPA implementing regulations, and Federal Aviation Administration (FAA) Order 1050.1F, *Environmental Impacts: Policies and Procedures,* the FAA is announcing the availability of the Final Programmatic Environmental Assessment and Finding of No Significant Impact/Record of Decision for Front Range Airport Launch Site

Operator License, Spaceport Colorado (Final PEA and FONSI/ROD).

FOR FURTHER INFORMATION CONTACT: Stacey Zee, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; phone (202) 267–9305; email *Spaceport_Colorado_PEA@icf.com.*

SUPPLEMENTARY INFORMATION: The Board of County Commissioners (the BOCC) of Adams County, Colorado proposes to operate a commercial space launch site, called ''Spaceport Colorado,'' at the Front Range Airport (FTG), in Watkins, Colorado. This would require the FAA to issue a launch site operator license to the BOCC. FTG is a 3,200-acre general aviation airport located in the northeast quadrant of the Denver metropolitan area, approximately 5 miles southeast of the Denver International Airport in Adams County, Colorado. Under the Proposed Action, the FAA would issue a launch site operator license to the BOCC, which would authorize the BOCC to offer Spaceport Colorado to commercial launch providers to conduct launch operations of horizontal take-off and horizontal landing reusable launch vehicles (RLVs). The FAA would also conditionally approve FTG's modified Airport Layout Plan (ALP) showing the launch site boundary. The Proposed Action does not include the approval of any launches. Any future application for a launch license would be subject to a separate environmental review, as explained in the Final PEA.

The Final PEA evaluated the potential environmental impacts of the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue a launch site operator license to the BOCC for the operation of Spaceport Colorado, FTG would not be available to potential RLV launch operators, and there would be no need for conditional approval of the FTG ALP.

The FAA published a Draft PEA for public comment on April 18, 2018. In response to preliminary comments received on the Draft PEA, the FAA extended the comment period from May 25, 2018 to June 15, 2018. As a result of the comments received, the FAA made minor revisions to the PEA and developed three new appendices. Appendix I provides a summary of the comments received and FAA's responses. Appendix J provides a copy of correspondence with Congressional representatives and the FAA. Appendix K includes copies of the comments received from the public. The FAA has posted the Final PEA and FONSI/ROD on the FAA Office of Commercial Space Transportation website: *https://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/documents_progress/front_range/.*

Issued in Washington, DC on: August 16, 2018.

Daniel Murray,

Manager, Space Transportation Development Division.

[FR Doc. 2018–18251 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation: Notice of Availability, Notice of Public Comment Period, and Request for Comment on the Draft Environmental Assessment for the Shuttle Landing Facility Launch Site Operator License

AGENCY: The Federal Aviation Administration (FAA), Department of Transportation (DOT) is the lead agency. The National Aeronautics and Space Administration (NASA), U.S. Air Force, U.S. Fish and Wildlife Service (USFWS), and National Park Service (NPS) are cooperating agencies for this Environmental Assessment (EA) due to their special expertise and jurisdictions (40 CFR 1508.15 and 1508.26).

ACTION: Notice of availability, notice of public comment period, and request for comment.

SUMMARY: The FAA is announcing the availability of and requesting comments on the Draft EA for the Shuttle Landing Facility (SLF) Launch Site Operator License. The FAA has prepared the Draft EA to evaluate the potential environmental impacts of the FAA issuing a Launch Site Operator License to Space Florida for the operation of a commercial space launch site at the SLF. Under the proposed action, Space Florida would construct facilities related to the proposed launch site and operate a commercial space launch site at the SLF to conduct launches of horizontal takeoff and horizontal landing launch vehicles from the SLF. The Draft EA considers the potential environmental impacts of the Proposed Action and the No Action Alternative.

DATES: Comments must be received on or before September 17, 2018.

ADDRESSES: Please submit comments or questions regarding the Draft EA to Shuttle Launching Facility Environmental Assessment, Attn. Pete Eggert, 505 Odyssey Way, Suite 300, Exploration Park, FL 32953. Comments may also be submitted by email to *PEggert@spaceflorida.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Stacey M. Zee, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; email *Stacey.Zee@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA has prepared the Draft EA in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 United States Code 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations parts 1500–1508), and FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, as part of its licensing process. Concurrent with the NEPA process and to determine the potential effects of the Proposed Action on historic and cultural properties, the FAA has initiated Section 106 Consultation with the Florida State Historic Preservation Office and the following Native America tribes: Catawba Indian Nation, Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Eastern Band of Cherokee Indians, Jena Band of Choctaw Indians, Miccosukee Tribe of Indians of Florida, Muscogge (Creek) Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, and Seminole Tribe of Florida. The FAA has also consulted with the USFWS under Section 7 of the Endangered Species Act regarding potential impacts on federally-listed threatened and endangered species. Pursuant to the U.S. Department of Transportation Act of 1966, this EA will comply with the requirements of Section 4(f) of the Act.

An electronic version of the Draft EA is available on the FAA Office of Commercial Space Transportation website at: *https://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/documents_progress/space_florida/.*

The FAA encourages all interested agencies, organizations, Native American tribes, and members of the public to submit comments concerning the analysis presented in the Draft EA by September 17, 2018. Comments should be as specific as possible and address the analysis of potential environmental impacts. Reviewers should organize their participation so that it is meaningful and makes the agency aware of the viewer's interests and concerns using quotations and other specific references to the text of the Draft EA and related documents. Matters that could have been raised with specificity during the comment

period on the Draft EA may not be considered if they are raised for the first time later in the decision process. This comment procedure is intended to ensure that substantive comments and concerns are made available to the FAA in a timely manner so that the FAA has an opportunity to address them.

Before including your address, phone number, email address, or other personal identifying information in your comment, 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 the public review your personal identifying information, we cannot guarantee that we will be able to do so.

The FAA has prepared the Draft EA to evaluate the potential environmental impacts of the construction and operation of the SLF as a launch location for horizontally launched and landed launch vehicles and issuing a Launch Site Operator License to Space Florida at the SLF. The EA considers the potential environmental impacts of the Proposed Action and the No Action Alternative. The successful completion of the environmental review process does not guarantee that the FAA Office of Commercial Space Transportation would issue a Launch Site Operator License to Space Florida. The project must also meet all FAA requirements of a Launch Site Operator License. Individual launch operators proposing to launch from the site would be required to obtain a separate launch operator license.

The Proposed Action is for Space Florida to construct facilities related to the proposed launch site and for the FAA to issue a Launch Site Operator License to Space Florida for the operation of a commercial space launch site at the SLF. The Proposed Action would also allow Space Florida to offer the commercial space launch site at the SLF to commercial space operators to support their application to acquire a launch license or experimental permit (when their operations match those described and assessed within this EA) to allow them to conduct horizontal launches and horizontal landings of launch vehicles at the SLF. The alternatives under consideration include the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue a Launch Site Operator License to Space Florida.

Issued in Washington, DC, on August 17, 2018.

Daniel Murray,

Manager, Space Transportation Development Division.

[FR Doc. 2018–18252 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC).

DATES: The meeting will take place on October 31, 2018 from 9:00 a.m. to 5:00 p.m., and November 1, 2018 from 9:00 a.m. to 1:30 p.m.

ADDRESSES: Department of Transportation (DOT) headquarters, 1200 New Jersey Avenue SE, Washington, DC. Guests should allow time for security screening when entering the building.

FOR FURTHER INFORMATION CONTACT: Di Reimold, COMSTAC Executive Director; (202) 267–0427, email *COMSTAC@faa.gov,* FAA Office of Commercial Space Transportation, 800 Independence Avenue SW, Room 331, Washington, DC 20591. Complete information regarding COMSTAC is available on the FAA website at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.*

SUPPLEMENTARY INFORMATION:

The preliminary schedule for the COMSTAC meetings on October 31st is below:

—Industry Update
—DOT & AST Updates
—Infrastructure Working Group Discussion
—Safety Working Group Discussion
—Legal and Regulatory Working Group Discussion
—Competitiveness and Innovation Working Group Discussion
—Public Comments

The proposed schedule for the COMSTAC meeting on November 1, 2018 is below:

—Infrastructure Working Group Report
—Safety Working Group Report
—Legal and Regulatory Working Group Report
—Competitiveness and Innovation Working Group Report
—Discussion of Future Tasks
—Public Comments

Attendance is open to the public but limited to the space available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than October 12, 2018. Please provide the following information: Full legal name, country of citizenship, email address, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email no later than October 12, 2018 for the teleconference call-in number and passcode. Callers are responsible for paying long-distance charges.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section at least 10 calendar days before the meeting. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact the person listed below in writing (mail or email) 10 DAYS IN ADVANCE OF MEETING so that the information can be made available to COMSTAC members for their review and consideration before the meeting. Written statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy via email. Portable Document Format (PDF) attachments are preferred for email submissions. A detailed agenda will be posted on the FAA website at *www.faa.gov/go/ast.*

Issued in Washington, DC, August 20, 2018.

Kelvin Coleman,

Acting Associate Administrator for Commercial Space Transportation.

[FR Doc. 2018–18236 Filed 8–22–18; 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: Certification: Airmen Other Than Flight Crewmembers, Subpart C, Aircraft Dispatchers and App. A Aircraft Dispatcher

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. This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA. These applications, reports and training course materials are provided to the local Flight Standards District Office of the FAA that oversees the certificates and FAA approvals.

The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

DATES: Written comments should be submitted by October 22, 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.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov*; phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0648.

Title: Certification: Airmen Other Than Flight Crewmembers, Subpart C, Aircraft Dispatchers and App. A Aircraft Dispatcher.

Form Numbers: There are no forms associated with this collection.

Type of Review: This is a renewal of a collection.

Background: This collection involves the information that each applicant for an aircraft dispatcher certificate or FAA approval of an aircraft dispatcher course must submit to the FAA to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA that oversees the certificates and FAA approvals.

This collection involves the knowledge testing that each applicant for an aircraft dispatcher certificate must successfully complete or information required to obtain FAA approval of an aircraft dispatcher course in order to comply with 14 CFR part 65, subpart C and Appendix A. These applications, reports and training course materials are provided to the responsible Flight Standards Office of the FAA which oversees the certificates and FAA approvals.

The collection is necessary for the FAA to determine qualification and the ability of the applicant to safely dispatch aircraft. Without this collection of information, applicants for a certificate or course approval would not be able to receive certification or approval. The collection of information for those who choose to train aircraft dispatcher applicants is to protect the applicants by ensuring that they are properly trained.

Respondents: 1,288.

Frequency: On occasion.

Estimated Average Burden per Response: 4.8 hours.

Estimated Total Annual Burden: 6,337.99 hours.

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.

Issued in Washington, DC, on August 16, 2018.

Jonathan Haupt,

Manager, IT Strategy and Investment Portfolio Branch, ASP–120.

[FR Doc. 2018–18237 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0132]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLUE CHIP III; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0132 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0132 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0132, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey

Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BLUE CHIP III is:

—*Intended Commercial Use of Vessel:* ''Bareboat charter''

—*Geographic Region Including Base of Operations:* ''Ohio, Kentucky, Indiana, Pennsylvania'' (Base of Operations Cincinnati, OH)

—*Vessel Length and Type:* 70' Monticello Houseboat

The complete application is available for review identified in the DOT docket as MARAD–2018–0132 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0132 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18256 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0127]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FREEDOM; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD 2018–0127 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD 2018–0127 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0127, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FREEDOM is:

—*Intended Commercial Use of Vessel:* Conducting term charters (carrying passengers on coastwise passages between ports) as an uninspected passenger vessel, greater than 100 gross tons

—*Geographic Region Including Base of Operations:* ''Alabama; Connecticut; Delaware; Florida; Georgia; Louisiana; Maine; Maryland; Massachusetts; Mississippi; New Hampshire; New Jersey; New York; North Carolina; Pennsylvania; South Carolina; Texas;

Virginia'' (Base of Operations New York, NY)

—*Vessel Length and Type:* 118′ self-propelled steel barkentine

The complete application is available for review identified in the DOT docket as MARAD–2018–0127 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2018–0127 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. § 55103, 46 U.S.C. § 12121.

* * * * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18260 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0129]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel IMAGINATION; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0129 by any one of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0129 and follow the instructions for submitting comments.

• *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0129, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel IMAGINATION is:

—*Intended Commercial Use of Vessel:* ''Sailing lessons, pleasure cruises''

—*Geographic Region Including Base of Operations:* ''California'' (Base of Operation San Diego, CA)

—*Vessel Length and Type:* 34' Sailboat

The complete application is available for review identified in the DOT docket as MARAD–2018–0129 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments

should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0129 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18261 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0128]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AMBUSH; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0128 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0128 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0128, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel AMBUSH is:

—*Intended Commercial Use of Vessel:* ''Upon receiving this waiver, we intend to use the vessel AMBUSH, part time as an uninspected vessel to carry a maximum of six (6) passengers within the coastal waters off Florida and Puerto Rico for sunset cruises''

—*Geographic Region Including Base of Operations:* ''Florida; Puerto Rico'' (Base of Operations Daytona Marina & Boat Works, Daytona Beach, Florida)

—*Vessel Length and Type:* 58′ Catamaran

The complete application is available for review identified in the DOT docket as MARAD–2018–0128 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above

heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0128 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18255 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0134]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel CABRON; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0134 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0134 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0134, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CABRON is:

—*Intended Commercial Use of Vessel:* ''This a 'Super Maxi' racing sailing yacht (none exist that were built in the USA); we plan to offer Corporate 'Team Building' programs, motivational programs, including actual race experiences aboard this state of the art Super Maxi''

—*Geographic Region Including Base of Operations:* ''California; Hawaii'' (Base of Operations Kona Kai Marina, San Diego California)

—*Vessel Length and Type:* 76′ Yacht

The complete application is available for review identified in the DOT docket as MARAD–2018–0134 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0134 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2018–18269 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0126]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SECOND STAR; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0126 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0126 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0126, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled ''Public Participation.''

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SECOND STAR is:

—*Intended Commercial Use of Vessel:* ''Main use will be for ASA sailing instruction, and limited Captained-only, Uninspected Vessel Charters (6 Pak)''

—*Geographic Region Including Base of Operations:* ''Florida'' (Base of Operation North Palm Beach Marina, North Palm Beach, FL)

—*Vessel Length and Type:* 42′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2018–0126 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0126 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18263 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0131]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EXILE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0131 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0131 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0131, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel EXILE is:

—*Intended Commercial Use of Vessel:* ''sunset cruise, charters''

—*Geographic Region Including Base of Operations:* ''North Carolina'' (Base of Operations Ocracoke, NC)

—*Vessel Length and Type:* 31′ Silverton convertible

The complete application is available for review identified in the DOT docket as MARAD–2018–0131 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0131 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the

basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18257 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0130]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TSC JEANNE MARIE; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0130 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0130 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2018–0130, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TSC JEANNE MARIE is:

—*Intended Commercial Use of Vessel:* ''Sailing Excursions, Galveston Texas area, day trips, short coastwise and inland. Overnight passenger limited to 6 passengers''

—*Geographic Region Including Base of Operations:* ''Texas, Louisiana'' (Base of Operations Galveston, TX)

—*Vessel Length and Type:* 33′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2018–0130 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2018–0130 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to

provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18264 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2018–0133]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel Messing About; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before September 24, 2018.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2018–0133 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2018–0133 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2013–0133, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MESSING ABOUT is:

—*Intended Commercial Use of Vessel:* ''Daysails, dinner/sunset cruises, destination cruises, overnight accommodations''

—*Geographic Region Including Base of Operations:* ''Washington'' (Base of Operation Poulsbo, WA)

—*Vessel Length and Type:* 38′ sailing catamaran

The complete application is available for review identified in the DOT docket as MARAD–2018–0133 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2013–0133 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121.

* * *

Dated: August 20, 2018.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.

Secretary, Maritime Administration.

[FR Doc. 2018–18262 Filed 8–22–18; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: *OFAC:* Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On August 15, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked pursuant to the relevant sanctions authority listed below.

BILLING CODE 4810–AL–P

Individuals

1. KOLCHANOV, Vasili Aleksandrovich (Cyrillic: КОЛЧАНОВ, Василий Александрович) (a.k.a. KOLCHANOV, Vasiliy Aleksandrovich; a.k.a. KOLCHANOV, Vasily); DOB 25 Mar 1946; Profinet Director General (individual) [DPRK4] (Linked To: PROFINET PTE. LTD.).

   Designated pursuant to Section 1(a)(vi) of Executive Order 13810 of September 20, 2017 "Imposing Additional Sanctions With Respect to North Korea" (E.O. 13810) for having acted or purported to act for or on behalf of, directly or indirectly, PROFINET PTE. LTD., a person whose property and interests in property are blocked pursuant to E.O. 13810.

Entities

1. DALIAN SUN MOON STAR INTERNATIONAL LOGISTICS TRADING CO., LTD (Chinese Simplified: 大连天宝国际物流有限公司) (a.k.a. DALIAN TIANBAO INTERNATIONAL LOGISTICS CO., LTD.); Room 1801, Chenggong Building, No. 72 Luxun Road, Zhongshan District, Liaoning 116000, China; 49 Zhonghsan Road, Shahekou District, Dalian 116021, China [DPRK4].

   Designated pursuant to Section 1(a)(i) of Executive Order 13810 for operating in the transportation industry in North Korea.

2. PROFINET PTE. LTD. (Cyrillic: ООО ПРОФИНЕТ) (a.k.a. OBSHCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU PROFINET; a.k.a. PROFINET AGENCY; a.k.a. PROFINET, OOO), 46, ul. Malinovskogo, Nakhodka, Primorski Kr. 692919, Russia; office 2, 30, Pogranichnaya Street, Nakhodka, Primorskiy Region 692922, Russia; Pogranichnaya str. 30-2, Nakhodka 692922, Russia [DPRK4].

   Designated pursuant to Section 1(a)(iii) of Executive Order 13810 for having engaged in at least one significant importation from or exportation to North Korea of any goods, services, or technology.

3. SINSMS PTE. LTD. (a.k.a. SUN MOON STAR (SINGAPORE) LTD.); 24 Mohamed Sultan Road, Singapore 239012, Singapore; Registration Number 201318227N (Singapore) [DPRK4].

   Designated pursuant to Section 1(a)(ii) of Executive Order 13810 for operating in the transportation industry in North Korea.

   Also designated pursuant to section 1(a)(vi) of E.O. 13810 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, DALIAN SUN MOON STAR INTERNATIONAL LOGISTICS TRADING CO., LTD, a person whose property and interest in property are blocked pursuant to E.O. 13810.

Dated: August 15, 2018.

Andrea M. Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–17866 Filed 8–22–18; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: National Academic Affiliations Council, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the National Academic Affiliations Council (NAAC) will be held September 17, 2018–September 18, 2018 in the VA Office of Academic Affiliations Conference Room 4040, 4th Floor, 811 Vermont Avenue NW, Washington, DC 20420. The September 17th session will begin at 8:30 a.m. and end at 4:30 p.m.; and on September 18, 2018, the session will begin at 8:30 a.m. and adjourn by 4:15 p.m. The meetings are open to the public.

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On September 17, 2018, the Council will review the status of its previous recommendations and receive an informational briefing on the modernization of VA's electronic health record. The Council will explore the recent activities of the NAAC Diversity and Inclusion Subcommittee and have an open discussion with Dr. Carolyn Clancy, Former Executive in Charge and currently assigned oversight responsibilities for the Offices of Academic Affiliations and Research and Development. NAAC members will receive presentations on VA's Care in the Community program and new VA programs for licensing space from community partners.

On September 18, 2018, the Council will explore the VA Telehealth Program and related educational issues. NAAC members will get brief updates on items of continued interest such as the waiver processes for those VA employees having relationships with for-profit educational institutions. During the afternoon, the Council will focus its attention on rural health and various new authorities and programs conferred by the MISSION Act. The Council will receive public comments from 4:15 p.m. to 4:30 p.m. on September 17, 2018 and again at or before 3:45 p.m. to 4:00 p.m. on September 18, 2018.

Interested persons may attend and present oral statements to the Council. A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2-page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting or at any time, via email to, *Steve.Trynosky@va.gov,* or by mail to Stephen K. Trynosky JD, MPH, MMAS, Designated Federal Officer, Office of Academic Affiliations (10A2D), 810 Vermont Avenue NW, Washington, DC 20420. Any member of the public wishing to attend or seeking additional information should contact Mr. Trynosky via email or by phone at (202) 461–6723. Because the meeting will be held in a Government building, anyone attending must be prepared to submit to security screening and present a valid photo I.D. Please allow at least 15 minutes prior to the meeting for this process.

Dated: August 20, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–18241 Filed 8–22–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0674]

Agency Information Collection Activity: Notice of Disagreement: Appeal to the Board of Veterans' Appeals

AGENCY: Board of Veterans' Appeals, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans' Appeals, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before October 22, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Sue Hamlin, BVA, (01C2), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *sue.hamlin@va.gov.* Please refer to ''OMB Control No. 2900–0674'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, BVA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of BVA's functions, including whether the information will have practical utility; (2) the accuracy of BVA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 115–55; 38 U.S.C. 5104B, 5108, 5701, 5901, 7103, 7104, 7105, 7107.

Title: Notice of Disagreement (NOD)/ Appeal to the Board of Veterans' Appeals, VA Form 10182 and VA Form 9.

OMB Control Number: 2900–0674.

Type of Review: Revision of a currently approved collection.

Abstract: Appellate review of the denial of VA benefits may only be initiated by filing a Notice of Disagreement with the Board. 38 U.S.C. 7105(a). The VA Form 9, ''Appeal to Board of Veterans' Appeals,'' is required to complete a legacy appeal to the Board. The completed form becomes the ''substantive appeal'' (or ''formal appeal''), which is required by 38 U.S.C. 7105(a) and (d)(3) in order to complete an appeal to the Board. Additionally, the proposed information collections allow for withdrawal of services by a representative, requests for changes in hearing dates and methods under 38

U.S.C. 7107, and motions for reconsideration pursuant to 38 U.S.C. 7103(a). The Board is requesting to revise the currently approved OMB Control No. 2900–0674, adding four information collections previously approved under OMB Control No. 2900–0085, and one new information collection. Revised Control No. 2900–0674 would contain all appeals-related information collections for the legacy and new systems. 2900–0085 will be discontinued upon approval of this request to renew 2900–0674.

Affected Public: Individuals and households.

Estimated Annual Burden: 114,877.78 hours.

Estimated Average Burden per Respondent: 40.83 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 168,800.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–18189 Filed 8–22–18; 8:45 am]

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