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

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Parts 1709, 1739, 1776, and 1783

RIN 0572–AC39

Announcement Process for Rural Utilities Service Grant Programs

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is issuing a final rule to conform with newly implemented uniform posting requirements for federal grants, so that interested applicants need only search one federal posting site on grant opportunities.

DATES: This final rule is effective September 5, 2018.

FOR FURTHER INFORMATION CONTACT: Michele Brooks, Regulations Team Lead, Rural Development Innovation Center, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave. SW, Washington, DC 20250–1550, Telephone number: (202) 690–1078.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and therefore has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to this rule and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures must be exhausted before an action against the Department or its agencies may be initiated.

Executive Order 12372

This final rule is not subject to the requirements of Executive Order 12372, ''Intergovernmental Review,'' as implemented under USDA's regulations at 2 CFR part 415, subpart C.

Executive Order 13771

The programs affected by this rulemaking are not subject to Executive Order 13771 as they are considered transfer programs and are exempt from the Executive Order.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The matter covered by this rulemaking is administrative, concerning the Agency's process for implementation of the program.

Environmental Impact Statement

This final rule has been examined under Agency environmental regulations at 7 CFR part 1970. The Administrator has determined that this is not a major Federal action significantly affecting the environment. Therefore, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an Environmental Impact Statement is not required.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) numbers assigned to these programs are 10.859, ''Assistance to High Energy Cost Rural Communities,'' 10.862, ''Household Water Well System Grant Program,'' 10.863, ''Community Connect Grant Program,'' and 10.864 ''Grant Program to Establish a Fund for Financing Water and Wastewater Projects.'' The Catalog is available on the internet at *http://www.cfda.gov.* The CFDA website also contains a PDF file version of the Catalog.

Unfunded Mandates

This final rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) 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 Unfunded Mandates Reform Act of 1995.

E-Government Act Compliance

RUS is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Executive Order 13132, Federalism

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

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Rural Development has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a tribe would like to engage in consultation with Rural Development on this rule, please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

USDA Non-Discrimination Policy

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

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

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; (2) fax: 1 (833) 256–1665; or (3) email: *program.intake@usda.gov.* USDA is an equal opportunity provider, employer, and lender.

Information Collection and Recordkeeping Requirements

This final rule contains no new reporting or recordkeeping burdens under OMB control numbers 0572–0127, 0572–0136, 0572–0138, and 0572–0139 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Background

Rural Development is a mission area within the USDA comprised of the Rural Utilities Service, Rural Housing Service, and Rural Business/Cooperative Service. Rural Development's mission is to increase economic opportunity and improve the quality of life for all rural Americans. Rural Development meets its mission by providing loans, loan guarantees, grants, and technical assistance through more than 40 programs aimed at creating and improving housing, businesses, and infrastructure throughout rural America.

In accordance with Executive Order 13777, Enforcing the Regulatory Reform Agenda, RUS was tasked with identifying duplicative actions that can be streamlined which could result in time and cost savings. In doing so, RUS identified certain RUS grant regulations require that a Notice of Funds Availability (NOFA) be published in the **Federal Register** on an annual basis to announce the open/close period for the grant programs. Given that federal agencies must now publish grant Funding Opportunity Announcements (FOA) on *www.Grants.gov,* several agency regulations must now be amended to conform with the Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards in 2 CFR part 200. All pertinent information that the public will need to apply for each of the grant programs will be included in the FOA as required by 2 CFR 200.203. In addition, the agency will include the information on the program website and in the program application guide, which will be linked to the FOA.

Interested parties may subscribe to funding opportunities on *Grants.gov* by logging in to *www.Grants.gov* and choosing the ''Connect'' tab to access the ''Connect Center.'' Subscribing to opportunities, will allow users to receive updates and notifications for specific funding opportunities.

To implement these changes, RUS is publishing this action as a final rule. The Administrative Procedures Act exempts from prior notice rules any actions ''relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' (5 U.S.C. 553(b)(A)).

List of Subjects

7 CFR Part 1709

Administrative practice and procedure, Electric power, Grant programs—energy, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1739

Grant programs—communications, Rural areas, Telecommunications, Telephone.

7 CFR Part 1776

Agriculture, Community development, Community facilities, Credit, Grant programs—housing and community development, Nonprofit organizations, Reporting and recordkeeping requirements, Rural areas, Waste treatment and disposal, Water pollution control, Water resources, Water supply, Watersheds.

7 CFR Part 1783

Business and industry, Community development, Community facilities, Grant programs-housing and community development, Reporting and recordkeeping requirements, Rural areas, Waste treatment and disposal, Water supply, Watersheds.

Accordingly, for reasons set forth in the preamble, 7 CFR parts 1709, 1739, 1776, and 1783 are amended as follows:

PART 1709—ASSISTANCE TO HIGH COST ENERGY COMMUNITIES

■ 1. The authority citation for part 1709 continues to read as follows:

Authority: 5 U.S.C. 301, 7 U.S.C. 901 *et seq.*

Subpart A—General Requirements

■ 2. Amend § 1709.3 by adding a definition for ''Funding opportunity announcement'' in alphabetical order to read as follows:

§ 1709.3 Definitions.

* * * * *

Funding opportunity announcement (FOA) means a publicly available document by which a Federal agency makes know its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOA announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. FOA announcements can be found at *www.Grants.gov* in the Search Grants tab and on the funding agency's or program's website.

* * * * *

Subpart B—RUS High Energy Cost Grant Program

■ 3. Revise § 1709.114 to read as follows:

§ 1709.114 Application process.

The RUS will request applications for high energy cost grants on a competitive basis by posting a FOA on *www.Grant.gov.* The FOA will establish

the amount of funds available, the application package contents and additional requirements, the availability of application materials, high energy cost community eligibility benchmarks, selection criteria and weights, priority considerations, deadlines and procedures for submitting applications. This information will also be made available in the RUS High Energy Cost Grant program application guide and the RUS High Energy Cost Grant program website.

■ 4. Amend § 1709.121 by revising paragraph (d) to read as follows:

§ 1709.121 Administrator's review and selection of grant awards.

* * * * *

(d) In the event an insufficient number of eligible applications are received in response to a FOA and selected for funding to exhaust the funds available, the Administrator reserves the discretion to reopen the application period and to accept additional applications for consideration under the terms of the FOA. Another FOA regarding the reopening of an application period will be announced on *www.Grants.gov.*

PART 1739—BROADBAND GRANT PROGRAM

■ 5. The authority citation for part 1739 continues to read as follows:

Authority: Title III, Pub. L. 108–199, 118 Stat. 3.

Subpart A—Community Connect Grant Program

■ 6. Amend § 1739.1 by revising the third sentence of paragraph (a) to read as follows:

§ 1739.1 Purpose.

(a) * * * The Agency will give priority to rural areas that have the greatest need for broadband services, based on the criteria contained herein and in the RUS Community Connect Program application guide and/or the Community Connect Program website and in the funding opportunity announcement (FOA) posted on *www.Grants.gov.*

* * * * *

■ 7. Revise § 1739.2 to read as follows:

§ 1739.2 Funding availability and application dates and submission.

(a) The Agency will post a FOA on *www.Grants.gov* that will set forth the total amount of funding available; the maximum and minimum funding for each grant; funding priority; the application submission dates; and the appropriate addresses and agency contact information. The FOA will also outline and explain the procedures for submission of applications, including electronic submissions. The Agency may publish more than one FOA should additional funding become available. This information will also be made available in the RUS Community Connect Grant program application guide and on the RUS Community Connect Grant program website.

(b) Notwithstanding paragraph (a) of this section, the Agency may, in response to a surplus of qualified eligible applications which could not be funded from the previous fiscal year, decline to post a FOA for the following fiscal year and fund said applications without further public notice.

■ 8. Amend § 1739.3 by revising the first sentence of the definitions of ''Broadband Grant Speed'' and ''Broadband service'' and by adding the definition of ''Funding opportunity agreement'' in alphabetical order to read as follows:

§ 1739.3 Definitions.

* * * * *

Broadband Grant Speed means the minimum bandwidth described in the funding opportunity that an applicant must propose to deliver to every customer in the proposed funded service area in order for the Agency to approve a broadband grant. * * *

Broadband service means any terrestrial technology having the capacity to provide transmission facilities that enable subscribers of the service to originate and receive high-quality voice, data, graphics, and video at the minimum rate of data transmission described in the funding opportunity. * * *

* * * * *

Funding opportunity announcement (FOA) means a publicly available document by which a Federal agency makes know its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOA announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. FOA announcements can be found at *www.Grants.gov* in the Search Grants tab and on the funding agency's or program's website.

* * * * *

■ 9. Amend § 1739.15 by revising the introductory text to read as follows:

§ 1739.15 Completed application.

Applications should be prepared in conformance with the provisions of this part and all applicable regulations, including 2 CFR part 200, as adopted by USDA through 2 CFR part 400. Applicants must also conform to the requirements of the FOA posted on *www.Grants.gov*, the RUS Community Connect Grant program application guide, and the Community Connect Grant program website. Applicants should refer to the FOA and the application guide for submission directions. The application guide contains instructions and forms, as well as other important information needed to prepare an application and is updated on an annual basis. Paper copies of the application guide can be requested by contacting the Loan Origination and Approval Division at 202–720–0800. Completed applications must include the following documentation, studies, reports and information, in form and substance satisfactory to the Agency:

* * * * *

■ 10. Amend § 1739.16 by revising the first sentence of paragraph (a) to read as follows:

§ 1739.16 Review of grant applications.

(a) All applications for grants must be delivered to the Agency at the address and by the date specified in the FOA, the Community Connect Grant program application guide and the Community Connect Grant program website (*see* § 1739.2) to be eligible for funding. * * *

* * * * *

■ 11. Amend § 1739.17 by revising paragraph (d)(7) to read as follows:

§ 1739.17 Scoring of applications.

* * * * *

(d) * * *

(7) Any other additional factors that may be outlined in the FOA, the Community Connect Grant program application guide, and the Community Connect Grant program website.

PART 1776—HOUSEHOLD WATER WELL SYSTEM GRANT PROGRAM

■ 12. The authority citation for part 1776 continues to read as follows:

Authority: 7 U.S.C. 1926e.

■ 13. Amend § 1776.3 by adding a definition for ''Funding opportunity announcement'' in alphabetical order to read as follows:

§ 1776.3 Definitions.

* * * * *

Funding opportunity announcement (FOA) means a publicly available

document by which a Federal agency makes know its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOA announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. FOA announcements can be found at *www.Grants.gov* in the Search Grants tab and on the funding agency's or program's website.

* * * * *

■ 14. Revise § 1776.6 to read as follows:

§ 1776.6 Funding availability.

A FOA will be posted to *www.Grants.gov* in fiscal years that funds are available for this program. The FOA will establish the period during which applications for such funds may be submitted for consideration.

■ 15. Amend § 1776.8 by revising paragraph (d) to read as follows:

§ 1776.8 Methods for submitting applications.

* * * * *

(d) The methods of submitting applications may be changed from time to reflect changes in addresses and electronic submission procedures. The applicant should refer to the most recent FOA for notice of any such changes. In the event of any discrepancy, the most recent FOA must be followed.

PART 1783—REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS (REVOLVING FUND PROGRAM)

■ 16. The authority citation for part 1783 continues to read as follows:

Authority: 7 U.S.C. 1926 (a)(2)(B).

Subpart A—General

■ 17. Amend § 1783.3 by adding a definition for ''Funding opportunity announcement'' in alphabetical order to read as follows:

§ 1783.3 What definitions are used in this regulation?

* * * * *

Funding opportunity announcement (FOA) means a publicly available document by which a Federal agency makes know its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. FOA announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. FOA announcements can be found at *Grants.gov* in the Search Grants tab and on the funding agency's or program's website.

* * * * *

Subpart B—Revolving Loan Program Grants

■ 18. Revise § 1783.6 to read as follows:

§ 1783.6 When will applications for grants be accepted?

A FOA will be posted to *www.Grants.gov* in fiscal years that funds are available for this program. The FOA will establish the period during which applications for such funds may be submitted for consideration.

■ 19. Amend § 1783.8 by revising the second sentence of paragraph (c) to read as follows:

§ 1783.8 What are the acceptable methods for submitting applications?

* * * * *

(c) * * * Applicants should refer to the most recent FOA for notice of any such changes. In the event of any discrepancy, the information contained in the FOA must be followed. * * *

Dated: August 27, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–19199 Filed 9–4–18; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–0309; Special Conditions No. 25–594A–SC]

Special Conditions: The Boeing Company (Boeing) Model 747–8 Airplane, Dynamic Test Requirements for Single-Occupant, Oblique (Side-Facing) Seats, With or Without Airbag Devices or 3-Point Restraints

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended final special conditions; request for comments.

SUMMARY: These amended special conditions are issued for the Boeing Model 747–8 airplane. This amendment states that the Boeing Model 747–8 airplane oblique (side-facing) seats may be installed at an angle of 18 to 45 degrees to the airplane centerline and may include a 3-point or airbag restraint system, or both, for occupant restraint and injury protection. Additionally, this amendment changes paragraphs 4 through 8 of the special conditions section. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are oblique (side-facing) single-occupant seats equipped with or without airbag devices or 3-point restraints.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Boeing on September 5, 2018. Send comments on or before October 22, 2018.

ADDRESSES: Send comments identified by Docket No. FAA–2015–0309 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John Shelden, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3214; email *John.Shelden@faa.gov.*

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been published in the **Federal Register** for public comment in several prior instances with no substantive comments received. The FAA therefore finds it unnecessary to delay the effective date and finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

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

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On February 3, 2014, Boeing applied for an amendment to Type Certificate no. A20WE to allow installation of single-occupant, oblique (side-facing) seats with or without airbag devices or 3-point restraints in the Boeing Model 747–8 airplanes.

Boeing requested special conditions to allow installation of oblique business-class passenger seats in the Boeing Model 747–8 airplane. The seating configuration Boeing proposes in Certification Plan no. 15090, ''Installation of Business Class Zodiac Seats and Furniture for 747–8 TRX RC076,'' consists of Zodiac Cirrus III model oblique (side-facing), pod-style, business-class seats (with surrounding shells and front-row furniture) installed at an angle of up to 30 degrees to the airplane longitudinal centerline. These seats will include inflatable restraint (airbag) systems for occupant restraint and injury protection.

On November 22, 2017, Boeing applied for a change to Type Certificate No. A20WE for the installation of oblique (side-facing) passenger seats and surrounding furniture in the Boeing Model 747–8 airplane. These oblique (side-facing) seats may be installed at an angle of 18 to 45 degrees to the airplane centerline and may include a 3-point or airbag restraint system, or both, for occupant restraint and injury protection.

The Boeing Model 747–8 airplane is a four-engine, transport category airplane with a maximum certified passenger capacity of 605, and a maximum takeoff weight of 987,000 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Model 747–8 airplane meets the applicable provisions of the regulations listed in Type Certificate no. A20WE, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. The regulations listed in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations listed in Type Certificate no. A20WE are as follows:

14 CFR part 25, Amendments 25–1 through 25–120, with exceptions permitted by § 21.101. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for Boeing Model 747–8 airplanes because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101. In addition to the applicable airworthiness regulations and special conditions, the Boeing Model 747–8 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The business-class seating configuration Boeing proposes is novel or unusual due to the seat installation at 30 degrees to the airplane centerline, the airbag-system installation, and the seat/occupant interface with the surrounding furniture that introduces occupant alignment and loading concerns. The proposed business-class seating configuration also is beyond the limits of current acceptable equivalent-level-of-safety findings. These oblique (side-facing) seats may be installed at an angle of 18 to 45 degrees to the airplane centerline and may include a 3-point or airbag restraint system, or both, for occupant restraint and injury protection.

The existing regulations do not provide adequate or appropriate safety standards for occupants of oblique-angled seats with airbag systems. To provide a level of safety that is equivalent to that afforded occupants of forward- and aft-facing seats, additional airworthiness standards, in the form of special conditions, are necessary. These special conditions supplement part 25 and, more specifically, supplement §§ 25.562 and 25.785. The requirements contained in these special conditions consist of both test conditions and injury pass/fail criteria.

Discussion

The FAA has been conducting and sponsoring research on appropriate injury criteria for oblique (side-facing) seat installations. However, the FAA research program is not complete and we may update these criteria as we obtain further research results. To reflect current research findings, the FAA issued policy statement PS–ANM–25–03–R1 to update injury criteria for fully side facing seats, and the policy statement PS–AIR–25–27, to define injury criteria for oblique (side-facing) seats.

The proposed Boeing Model 747–8 airplanes business-class seat installation is novel such that the current Boeing Model 747–8 airplane certification basis does not adequately address protection of the occupant's neck and spine for seat configurations that are positioned at an angle greater than 18 degrees from the airplane centerline. These special conditions for oblique (side-facing) seat installations do not adequately address oblique seats, reflecting the current research results, with or without 3-point or airbag restraint systems. Therefore, Boeing's proposed configuration will require amended special conditions.

The installation of passenger seats at angles of 18 to 45 degrees to the airplane centerline are unique due to the seat/

occupant interface with the surrounding furniture that introduces occupant alignment/loading concerns with or without the installation of a 3-point or airbag restraint system, or both. On-going research has invalidated previously released special conditions for oblique seat installations. These updated special conditions further address potential injuries to the occupant's neck and spine. As a result, this special condition replaces special condition 25–594–SC.

FAA-sponsored research has found that an un-restrained flailing of the upper torso, even when the pelvis and torso are nearly aligned, can produce serious spinal and torso injuries. At lower impact severities, even with significant misalignment between the torso and pelvis, these injuries did not occur. Tests with an FAA H–III anthropomorphic test device (ATD) have identified a level of lumbar spinal tension corresponding to the no-injury impact severity. This level of tension is included as a limit in the special conditions. The spine tension limit selected is conservative with respect to other aviation injury criteria since it corresponds to a no-injury loading condition.

As noted in the special conditions for each airbag restraint system, because an airbag restraint system is essentially a single use device, there is the potential that it could deploy under crash conditions that are not sufficiently severe as to require head injury protection from the airbag restraint system. Since an actual crash is frequently composed of a series of impacts before the airplane comes to rest, this could render the airbag restraint system useless if a larger impact follows the initial impact. This situation does not exist with energy absorbing pads or upper torso restraints, which tend to provide protection according to the severity of the impact. Therefore, the installation of the airbag restraint system should be such that the airbag restraint system will provide protection when it is required, and will not expend its protection when it is not needed.

Because these airbag restraint systems may or may not activate during various crash conditions, the injury criteria listed in these special conditions and in § 25.562 must be met in an event that is slightly below the activation level of the airbag restraint system. If an airbag restraint system is included with the oblique seats, the system must meet the requirements in one of the airbag (inflatable restraint) special conditions applicable to the Boeing Model 747–8 airplane.

These amended special conditions will provide head injury criteria, neck injury criteria, spine injury criteria, and body-to-wall contact criteria. They contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Boeing Model 747–8 airplanes. Should Boeing apply at a later date for a change to the type certificates to include another model incorporating the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would apply to the other model as well.

Conclusion

This action affects only certain novel or unusual design features on one model airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register.** The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Boeing Model 747–8 airplane.

Side-Facing Seats Special Conditions

In addition to the requirements of § 25.562:

1. *Head Injury Criteria:*

Compliance with § 25.562(c)(5) is required, except that, if the ATD has no apparent contact with the seat/structure but has contact with an airbag, a head-injury criterion (HIC) unlimited score in excess of 1000 is acceptable, provided the HIC15 score (calculated in accordance with 49 CFR 571.208) for that contact is less than 700.

2. *Body-to-Wall/Furnishing Contact:*

If a seat is installed aft of structure (*e.g.,* an interior wall or furnishing) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then additional analysis and/or test(s) may be required to demonstrate that the injury criteria are met for the area that an occupant could contact. For example, if different yaw angles could result in different airbag performance, then additional analysis or separate test(s) may be necessary to evaluate performance.

3. *Neck Injury Criteria:*

The seating system must protect the occupant from experiencing serious neck injury. The assessment of neck injury must be conducted with the airbag device activated, unless there is reason to also consider that the neck-injury potential would be higher for impacts below the airbag-device deployment threshold.

a. The N_{ij} (calculated in accordance with 49 CFR 571.208) must be below 1.0, where $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$, and N_{ij} critical values are:

i. F_{zc} = 1,530 lb for tension
ii. F_{zc} = 1,385 lb for compression
iii. M_{yc} = 229 lb-ft in flexion
iv. M_{yc} = 100 lb-ft in extension

b. In addition, peak F_z must be below 937 lb in tension and 899 lb in compression.

c. Rotation of the head about its vertical axis, relative to the torso, is limited to 105 degrees in either direction from forward-facing.

d. The neck must not impact any surface that would produce concentrated loading on the neck.

4. *Spine and Torso Injury Criteria:*

a. The lumbar spine tension (F_z) cannot exceed 1200 lb.

b. Significant concentrated loading on the occupant's spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable. During this type of contact, the interval for any rearward (X direction) acceleration exceeding 20g must be less than 3 milliseconds as measured by the thoracic

instrumentation specified in 49 CFR part 572, subpart E filtered in accordance with SAE International (SAE) recommended practice J211/1, ''Instrumentation for Impact Test—Part 1—Electronic Instrumentation.''

c. The occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

5. *Pelvis Criteria:*

Any part of the load-bearing portion of the bottom of the ATD pelvis must not translate beyond the edges of the seat bottom seat-cushion supporting structure.

6. *Femur Criteria:*

Axial rotation of the upper leg (about the z-axis of the femur per SAE Recommended Practice J211/1) must be limited to 35 degrees from the nominal seated position. Evaluation during rebound does not need to be considered.

7. *ATD and Test Conditions:*

Longitudinal tests conducted to measure the injury criteria above must be performed with the FAA Hybrid III ATD, as described in SAE 1999–01–1609, ''A Lumbar Spine Modification to the Hybrid III ATD for Aircraft Seat Tests.'' The tests must be conducted with an undeformed floor, at the most-critical yaw cases for injury and with all lateral structural supports (*e.g.* armrests or walls) installed.

Note: Boeing must demonstrate that the installation of seats via plinths or pallets meets all applicable requirements. Compliance with the guidance contained in policy memorandum PS–ANM–100–2000–00123, ''Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,'' dated February 2, 2000, is acceptable to the FAA.

8. *Inflatable Airbag Restraint Systems Special Conditions:*

If inflatable airbag restraint systems are installed, the airbag systems must meet the requirements in one of the airbag (inflatable restraint) special conditions applicable to the Boeing Model 747–8 airplane.

Issued in Des Moines, Washington, on August 22, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–19216 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2018–0335; Special Conditions No. 25–725–SC]

Special Conditions: Bombardier Inc., Model BD–700–2A12 and BD–700–2A13 Series Airplanes; Flight Envelope Protection: High Incidence Protection System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; correction.

SUMMARY: The FAA is correcting an error that appeared in the **Federal Register** on May 1, 2018, for special conditions No. 25–725–SC, Docket No. FAA–2018–0335. As published, there was an error in the citation and the correct citation has been added.

DATES: Effective on Bombardier on September 5, 2018.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, Airplane and Flight Crew Interface, AIR–671, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3158; email *Joe.Jacobsen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 25, 2018, the FAA issued Special Conditions No. 25–725–SC, Docket No. FAA–2018–0335, which was published in the **Federal Register** on May 1, 2018 (83 FR 18934). Those special conditions pertain to the high incidence protection system that replaces the stall warning system during normal operating conditions, prohibits the airplane from stalling, limits the angle of attack at which the airplane can be flown during normal low speed operation, and cannot be overridden by the flight crew for Bombardier Model BD–700–2A12 and BD–700–2A13 series airplanes. As published, part II, paragraph 7 of the final special conditions cited § 25.143(j)(2)(i) instead of § 25.143(j)(1). There are no substantive changes to the document and it was apparent that § 25.143(j)(1) should have been referenced from the beginning.

Correction

In the final special conditions document FR Doc. 2018–09126 (Filed 4–30–2018; 8:45 a.m.), published on May 1, 2018 (83 FR 18934), make the following correction:

On page 18938, column 2, under part II, paragraph 7, correct ''§ 25.143(j)(2)(i)'' to read ''§ 25.143(j)(1)''.

Issued in Des Moines, Washington, on August 27, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–19215 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0163; Product Identifier 2017–NM–168–AD; Amendment 39–19386; AD 2018–18–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757 airplanes. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the longitudinal lap splices of the fuselage skin are subject to widespread fatigue damage (WFD). This AD requires repetitive inspections of the longitudinal lap splices of the fuselage skin for cracking and protruding fasteners, and applicable corrective actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 10, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 10, 2018.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0163.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0163; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Truong, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on March 2, 2018 (83 FR 8951). The NPRM was prompted by an evaluation by the DAH indicating that the longitudinal lap splices of the fuselage skin are subject to WFD. The NPRM proposed to require repetitive inspections of the longitudinal lap splices of the fuselage skin for cracking and protruding fasteners, and applicable corrective actions. We are issuing this AD to address fatigue cracking of the longitudinal lap splices of the fuselage skin, which could result in reduced structural integrity of the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment. United Airlines concurs with the actions in the NPRM.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that accomplishing the supplemental type certificate (STC) ST01518SE does not affect the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request for Exception for Inspections of Existing FAA-Approved Repairs

Delta Air Lines (Delta) asked that we add an exception to allow existing FAA-approved repairs to be exempt from inspections. Delta stated that the note in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, only specifies certain Boeing Commercial Airplanes Organization Designation Authorization (ODA) approved repairs are exempt from inspections. Delta stated that limiting approval of this exception to the Boeing ODA only would mean that operators would have to request an alternative method of compliance to apply this inspection exception to any other FAA-approved repairs covering an affected inspection area.

We agree with the commenter's request to allow existing FAA-approved repairs to be exempt from inspections, for the reasons provided. We have added paragraph (h)(3) of this AD, under ''Exceptions to Service Information Specifications,'' to include that exception.

Request To Include a Repair Method for Crack Findings

Boeing asked that a statement be included in the proposed AD to specifically require repair of crack findings during inspections using a method approved in accordance with the procedures in paragraph (i) of the proposed AD. Boeing noted that this statement is provided in AD 2016–15–04, Amendment 39–18595 (81 FR 49873, July 29, 2016), which includes lap splice widespread fatigue damage inspection requirements. Boeing added that this statement will make it clear and consistent with the intent of the repair instructions specified in the referenced service information.

We acknowledge the commenter's request. However, the requirement to repair cracks found during any inspections required by this AD is implicit in the requirements of paragraph (h)(2) of this AD. Unlike the previous AD referenced by Boeing, this AD uses high-level language and requires accomplishment of the RC (required for compliance) steps in the service information, which include the inspection and repair actions. Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, specifies to contact Boeing for repair instructions, as well as to contact Boeing for crack repair instructions or alternate inspection instructions, depending on the condition found. Paragraph (h)(2) of this AD requires operators to use a method approved in accordance with the procedures in paragraph (i) of this AD when the service information specifies to contact Boeing. Therefore, there is no need to include an additional statement to specifically require repair of crack findings during inspections using a method approved in accordance with the procedures in paragraph (i) of this AD. For clarity, we have revised the language in paragraph (h)(2) of this AD to match the language for the conditions specified in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

Request To Change or Omit Certain Inspections

VT Mobile Aerospace Engineering (MAE), Inc., (VT MAE) and FedEx Express (FedEx) asked that we omit or change certain lap splice inspection areas. FedEx stated that its fleet of Model 757–200 airplanes was converted to a configuration similar to that of Model 757–200 special freighter airplanes, in accordance with the VT MAE STCs. VT MAE stated that Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, identifies the FedEx Model 757–200 fleet as Groups 1, 3, and 4 airplanes, and certain lap splice inspection areas defined for those groups have been modified in accordance with the STCs. VT MAE added that the proposed inspections do not apply to those airplanes, or have reduced repetitive inspection intervals from those specified in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

We acknowledge the commenter's requests. However, we do not consider it appropriate to include various provisions in an AD applicable only to individual airplane configurations or to a single operator's unique use of an affected airplane. Under the provisions of paragraph (i) of this AD, we will consider requests for approval of AMOCs for the inspection areas and repetitive inspection intervals if sufficient data are submitted to substantiate that the AMOC would provide an acceptable level of safety.

We have not changed this AD in this regard.

Request To Include Repair Guidelines and Inspection Procedures

Delta stated that while Boeing may not be able to include repair instructions for fuselage skin cracking at the longitudinal lap joints in all areas, repair guidelines should be included in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, so that operators can start damage containment and initial repair actions until specific repair instructions are received from Boeing.

We acknowledge the commenter's concern. However, the referenced service information does refer to certain sections in the 757 Nondestructive Test (NDT) Manual to provide guidance for fuselage skin cracking conditions. Although operators may refer to the NDT for guidance, the repair must be done using a method approved in accordance with the procedures specified in paragraph (i) of this AD, as specified in paragraph (h)(2) of this AD. Also, waiting for Boeing to change the service information to include additional repair guidelines would delay the release of the AD, and the unsafe condition would not be addressed in a timely manner. Therefore, we have not changed this AD in this regard.

Delta also asked that alternative inspection procedures for protruding head fasteners be included in the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, so that an AMOC request is not necessary.

We do not agree with the commenter's request that Boeing revise the service information to include alternative inspection procedures for protruding head fasteners. Waiting for Boeing to change the service information to include alternative inspection procedures would delay the release of the AD, and the unsafe condition would not be addressed in a timely manner. Therefore, we have not changed this AD in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017. The service information describes procedures for visual and eddy current inspections of the longitudinal lap splices of the fuselage skin for cracking and protruding head fasteners. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 509 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	367 work-hours × $85 per hour = $31,195 per inspection cycle.	$0	$31,195 per inspection cycle.	$15,878,255 per inspection cycle.

We have received no definitive data that will enable us to provide cost estimates for the on-condition repairs specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–18–07 The Boeing Company: Amendment 39–19386; Docket No. FAA–2018–0163; Product Identifier 2017–NM–168–AD.

(a) Effective Date

This AD is effective October 10, 2018.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(2) Installation of Supplemental Type Certificate (STC) ST01518SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/312bc296830a925c86257c85006d1b1f/$FILE/ST01518SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the longitudinal lap splices of the fuselage skin are subject to widespread fatigue damage. We are issuing this AD to address fatigue cracking of the longitudinal lap splices of the fuselage skin, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, where Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, specifies contacting Boeing for repair instructions, or contacting Boeing for crack repair instructions or alternate inspection instructions, and specifies that action as RC: This AD requires doing the repair, or the alternate inspection and applicable corrective actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Inspections performed in accordance with Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017, are not necessary in areas where existing FAA-approved repairs cover the affected inspection areas; provided the outermost repair doubler extends a minimum of three rows of fasteners above and below the original group of lap splice fasteners subject to the inspection. Damage tolerance inspections specified for existing repairs must continue. Inspections outside of the repaired boundaries are still required as specified in Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (h)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (i)(4)(i) and (i)(4)(ii) of this AD apply.

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

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

(j) Related Information

For more information about this AD, contact David Truong, Aerospace Engineer, Airframe Section, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5224; fax: 562–627–5210; email: *david.truong@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 757–53A0104, dated November 6, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

Issued in Des Moines, Washington, on August 16, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–18995 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0416; Product Identifier 2017–NM–164–AD; Amendment 39–19388; AD 2018–18–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and certain Model C–295 airplanes. This AD was prompted by a report that cracks were found on the stabilizer-to-fuselage rear attachment fitting. This AD requires a detailed inspection of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting, repair if necessary, and a report of findings. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 10, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 10, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email: *MTA.TechnicalService@airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and certain Model C–295 airplanes. The NPRM published in the **Federal Register** on May 25, 2018 (83 FR 24236). The NPRM was prompted by a report that cracks were found on the stabilizer-to-fuselage rear attachment fitting. The NPRM proposed to require a detailed inspection of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting, repair if necessary, and a report of findings.

We are issuing this AD to address such cracking, which could lead to reduced structural integrity of the lugs on the stabilizer-to-fuselage rear attachment fittings and consequent lug or fitting failure, and could result in reduced controllability of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0218, dated November 8, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Defense and Space S.A. Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes; and certain Model C–295 airplanes. The MCAI states:

> Cracks were reportedly found on the stabilizer-to-fuselage rear attachment fitting of a CN–235 aeroplane. Subsequent investigation determined that the affected horizontal attachment fitting was a reworked part.
>
> This condition, if not detected and corrected, could lead to reduced structural integrity of lugs of the stabilizer-to-fuselage rear attachment fittings and consequent lug or fitting failure, possibly resulting in reduced control of the aeroplane.
>
> To address this potentially unsafe condition, Airbus Defence and Space (D&S) issued Alert Operators Transmission (AOT) AOT–C295–55–0005 and AOT–CN235–55–0004 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time detailed inspection (DET) of the upper and lower lugs of the horizontal stabilizer-to-fuselage rear attachment fittings on the left hand (LH) and right hand (RH) sides and, depending on findings, accomplishment of applicable corrective action(s) [repairs]. This [EASA] AD also requires reporting of all findings, including none.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

Airbus Defence and Space S.A. has issued Alert Operators Transmission (AOT) AOT–CN235–55–0004, Revision 1, dated October 24, 2016; and AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016. This service information describes a detailed inspection of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting (left- and right-hand sides), repair if necessary, and sending inspection results to the manufacturer. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 14 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	8 work-hours × $85 per hour = $680	$0	$680	$9,520
Reporting	1 work-hour × $85 per hour = $85	0	85	1,190

We estimate the following costs to do any necessary repair that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	15 work-hours × $85 per hour = $1,275	$0	$1,275

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–18–09 Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.): Amendment 39–19388; Docket No. FAA–2018–0416; Product Identifier 2017–NM–164–AD.

(a) Effective Date

This AD is effective October 10, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Defense and Space S.A. Model airplanes, certificated in any category, specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model CN–235, CN–235–100, CN–235–200, and CN–235–300 airplanes, all manufacturer serial numbers (MSN).

(2) Model C–295 airplanes, MSN 001 through 148 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 55, Horizontal stabilizer.

(e) Reason

This AD was prompted by a report that cracks were found on the stabilizer-to-fuselage rear attachment fitting. We are issuing this AD to address such cracking, which could lead to reduced structural integrity of the lugs on the stabilizer-to-fuselage rear attachment fittings and consequent lug or fitting failure, and could

result in reduced controllability of the airplane.

(f) Compliance

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

(g) Inspection

Within the compliance times specified in figure 1 or figure 2 to paragraph (g) of this AD, as applicable, accomplish a detailed inspection for cracks or rework of the upper and lower lugs of each horizontal stabilizer-to-fuselage rear attachment fitting (left- and right-hand sides), in accordance with the instructions of Airbus Defence and Space Alert Operators Transmission (AOT) AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable.

Figure 1 to paragraph (g) of this AD – *Compliance time for Detailed Inspection of Model C-295 Airplanes*

Compliance Time (A or B, whichever occurs later)	
A	Before exceeding 7,400 flight cycles or 7,400 flight hours, whichever occurs first since the airplane's first flight.
B	Within 50 flight cycles or 50 flight hours, whichever occurs first after the effective date of this AD.

Figure 2 to paragraph (g) of this AD – *Compliance time for Detailed Inspection of Model CN-235, CN-235-100, CN-235-200, and CN-235-300 Airplanes*

Compliance Time (A or B, whichever occurs later)		
A	Airplanes engaged in Maritime Patrol Operations	MSN 235, 239, and 241: Before exceeding 1,500 flight cycles or 1,500 flight hours, whichever occurs first since the airplane's first flight.
	Airplanes engaged in Logistic Transport Operations	MSN 001 to 154 inclusive: Before exceeding 5,500 flight cycles or 5,500 flight hours, whichever occurs first since the airplane's first flight.
		MSN 155 and up, excluding MSN 235, 239, and 241: Before exceeding 4,500 flight cycles or 4,500 flight hours, whichever occurs first since the airplane's first flight.
B	Within 50 flight cycles or 50 flight hours, whichever occurs first after the effective date of this AD.	

(h) Corrective Action

If, during the detailed inspection required by paragraph (g) of this AD, any discrepancy (*i.e.,* cracking or rework) is detected, as specified in Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable: Before further flight, contact the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s EASA Design Organization Approval (DOA), for approved repair instructions. If approved by the DOA, the approval must include the DOA-authorized signature. Accomplish the repair accordingly within the compliance time specified in those instructions, including any repetitive post-repair inspections, if applicable.

(i) Reporting Requirement

Submit a one-time report of the findings (both positive and negative) of the inspection required by paragraph (g) of this AD to Airbus Defense and Space S.A., in accordance with Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable; at the applicable time specified in paragraph (i)(1) or (i)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 60 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 60 days after the effective date of this AD.

(j) Parts Installation Limitations

As of the effective date of this AD, no person may install, on any airplane, a horizontal stabilizer-to-fuselage rear attachment fitting, unless the part is new or it has been inspected in accordance with the instructions of Airbus Defence and Space AOT AOT–CN235–55–0004, Revision 1, dated October 24, 2016; or Airbus Defence and Space AOT AOT–C295–55–0005, Revision 1, dated October 24, 2016; as applicable; and no discrepancy was found. Before installation of the horizontal stabilizer-to-fuselage rear attachment fitting, contact the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus Defense and Space S.A.'s EASA DOA, for approved instructions and do

those instructions accordingly. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using Airbus Defence and Space AOT AOT–CN235–55–0004, dated December 22, 2015; or Airbus Defence and Space AOT AOT–C295–55–0005, December 22, 2015; as applicable.

(l) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) Paperwork Reduction Act Burden Statement: A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0218, dated November 8, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0416.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (n)(3) and (n)(4) of this AD.

(n) Material Incorporated by Reference

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

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

(i) Airbus Defence and Space Alert Operators Transmission AOT–CN235–55–0004, Revision 1, dated October 24, 2016.

(ii) Airbus Defence and Space Alert Operators Transmission AOT–C295–55–0005, Revision 1, dated October 24, 2016.

(3) For service information identified in this AD, contact Airbus Defense and Space Services/Engineering Support, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 31 27; email *MTA.TechnicalService@airbus.com.*

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

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

Issued in Des Moines, Washington, on August 23, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–18999 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1122; Product Identifier 2012–NE–42–AD; Amendment 39–19385; AD 2018–18–06]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–02–04 for all Rolls-Royce plc (RR) RB211–Trent 970–84, RB211–Trent 970B–84, RB211–Trent 972–84, RB211–Trent 972B–84, RB211–Trent 977–84, RB211–Trent 977B–84, and RB211–Trent 980–84 turbofan engines. AD 2013–02–04 required on-wing inspections of low-pressure turbine (LPT) disk seal fins and interstage seals when post-flight review indicates Engine Health Monitoring (EHM) vibratory maintenance-alert limits were exceeded in flight. This AD requires additional criteria for the inspection of the stage 2, 3, and 4 LPT disk seal fins and interstage seals and removes the requirement to inspect the stage 5 LPT disk seal fins and interstage seal. This AD was prompted by a Trent 900 engine experiencing increased low-pressure rotor vibration while in flight resulting in an in-flight shutdown (IFSD) and air turnback. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 20, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 20, 2018.

We must receive any comments on this AD by October 22, 2018.

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

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

For service information identified in this final rule, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet

at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1122.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1122; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2013–02–04, Amendment 39–17325 (78 FR 6206, January 30, 2013), (''AD 2013–02–04''), for all RR RB211–Trent 970–84, RB211–Trent 970B–84, RB211–Trent 972–84, RB211–Trent 972B–84, RB211–Trent 977–84, RB211–Trent 977B–84, and RB211–Trent 980–84 turbofan engines. AD 2013–02–04 required on-wing inspections of LPT disk seal fins and interstage seals when post-flight review indicates EHM vibratory maintenance-alert limits were exceeded in flight. AD 2013–02–04 also required in-shop inspections of the LPT disk seal fins and interstage seals to detect cracks or damage and, depending on the findings, accomplishment of corrective action. AD 2013–02–04 resulted from a Trent 900 engine experiencing LPT stage 2 disk interstage seal material loss and increased low-pressure rotor (N1) vibration while in flight. We issued AD 2013–02–04 to prevent cracks in the LPT disk, which could result in uncontained engine failure and damage to the airplane.

Actions Since AD 2013–02–04 Was Issued

Since we issued AD 2013–02–04, a Trent 900 engine experienced increased N1 vibration while in flight resulting in an IFSD and air turnback. Inspection of the engine revealed LPT damage. A subsequent review of the potential causes determined that engine overhaul shop visit activities could be a factor. RR issued Revision 2 to Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH054 to introduce an inspection of the LPT disk seal fins and interstage seals after an overhaul shop visit when an engine test (pass-off test) is required due to the work performed. RR also published Revision 3 to Alert NMSB RB.211–72–AH054, dated February 1, 2018, to remove engines that have incorporated the modifications introduced by RR Alert SB RB.211–72–AJ592, dated September 4, 2017, from its applicability. In addition, the European Aviation Safety Agency (EASA) published AD 2018–0126, dated June 11, 2018, to require the changes introduced by Revision 3 of RR Alert NMSB RB.211–72–AH054. We are issuing this AD to address the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed RR issued Alert NMSB RB.211–72–AH054, Revision 3, dated February 1, 2018. The Alert NMSB describes procedures for inspection after a pass-off test. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD partially retains the requirements of AD 2013–02–04, requires inspection of the LPT disk seal fins and interstage seals following pass-off test, and changes certain inspection requirements.

FAA's Justification and Determination of the Effective Date

No domestic operators use this product. Therefore, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2017–1122 and product identifier 2012–NE–42–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 0 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of LPT disk seal fins and interstage seals.	8 work-hours × $85 per hour = $680	$0	$680	$0

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–02–04, Amendment 39–17325 (78 FR 6206, January 30, 2013), and adding the following new AD:

2018–18–06 Rolls-Royce plc: Amendment 39–19385; Docket No. FAA–2017–1122; Product Identifier 2012–NE–42–AD.

(a) Effective Date

This AD is effective September 20, 2018.

(b) Affected ADs

This AD replaces AD 2013–02–04, Amendment 39–17325 (78 FR 6206, January 30, 2013).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211-Trent 970–84, RB211-Trent 970B–84, RB211-Trent 972–84, RB211-Trent 972B–84, RB211-Trent 977–84, RB211-Trent 977B–84, and RB211-Trent 980–84 turbofan engines that have not incorporated the modifications introduced by RR Alert Service Bulletin RB.211–72–AJ592, dated September 4, 2017.

(d) Subject

Joint Aircraft System Component (JASC) Code 7350, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a Trent 900 engine experiencing increased low-pressure rotor vibration while in flight resulting in an in-flight shutdown and air turnback. We are issuing this AD to prevent cracks in the low-pressure turbine (LPT) disk. The unsafe condition, if not addressed, could result in uncontained engine failure and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) After the effective date of this AD, after every flight, review the Engine Health Monitoring low-pressure rotor (N1) vibration data within 10 engine flight cycles (FCs).

(i) If you find that the maximum and average vibrations exceed 0.7 inches/sec (ips) and 0.5 ips, respectively, then within 10 engine FCs:

(A) Confirm that the vibration data was not the result of indicator error.

(B) If you cannot show that the vibration increase was caused by indicator error, inspect the LPT stage 2, 3, and 4 disk seal fins and interstage seals in accordance with the Accomplishment Instructions, paragraph 3.B., of RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AH054, Revision 3, dated February 1, 2018.

(ii) Reserved.

(2) After the effective date of this AD, each time a pass-off test is performed on an engine after induction into a Repair and Overhaul Shop, inspect the LPT stage 2, 3, and 4 disk seal fins and interstage seals in accordance with the Accomplishment Instructions, paragraph 3.C., of RR Alert NMSB RB.211–72–AH054, Revision 3, dated February 1, 2018.

(4) If, during the inspections required by paragraph (g) of this AD, you find any cracks in the disk seal fins or any interstage seals are missing seal material, replace the parts with parts eligible for installation before further flight.

(h) Credit for Previous Actions

You may take credit for the initial inspections required by paragraph (g)(1) of this AD if, following detection of excessive N1 vibration, you performed the inspections using RR Repeater Technical Variance (TV) 125658, Issue 2, dated August 14, 2012; or RR Repeater TV 125060, Issue 1, dated July 27, 2012, or Issue 2, dated January 30, 2013; or RR Alert NMSB RB.211–72–AH054, Initial issue, dated September 14, 2012; Revision 1, dated November 5, 2012; or Revision 2, dated August 24, 2016.

(i) Definition

For the purpose of this AD, a ''pass-off test'' is a test on any engine performed in accordance with Task 72–00–00–760–801, General Procedures for Engine Testing, from the Rolls-Royce Trent 970–84 Engine Manual, dated December 1, 2016.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Kevin M. Clark, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7088; fax: 781–238–7199; email: *kevin.m.clark@faa.gov.*

(2) Refer to European Aviation Safety Agency (EASA) AD 2018–0126, dated June 11, 2018, for more information. You may examine the EASA AD in the AD docket on the internet at *http://www.regulations.gov* by

searching for and locating it in Docket No. FAA–2017–1122.

(l) Material Incorporated by Reference

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

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

(i) Rolls-Royce plc (RR) Alert Non-Modification Service Bulletin RB.211–72–AH054, Revision 3, dated February 1, 2018.

(ii) Reserved.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–245418, or email: *http://www.rolls-royce.com/contact/civil_team.jsp.*

(4) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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

Issued in Burlington, Massachusetts, on August 27, 2018.

Karen M. Grant,

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

[FR Doc. 2018–19119 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2018–0834]

Special Local Regulation; Annual OPA World Championships, Gulf of Mexico; Englewood Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for the OPA World Championships from November 16, 2018 through November 18, 2018, to provide for the safety of life on navigable waterways during this event. Our regulation for Annual OPA World Championships identifies the regulated area for this event in Englewood, FL. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.735 will be enforced from 9 a.m. until 5 p.m., each day from November 16, 2018, through November 18, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Marine Science Technician First Class Michael D. Shackleford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email *Michael.d.shackleford@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.735 for the OPA World Championships regulated area from 9 a.m. to 5 p.m. on November 16, 2018 through November 18, 2018. This action is being taken to provide for the safety of life on navigable waterways during this 3-day event. Our regulation for Annual OPA World Championships, § 100.735, specifies the location of the regulated area for the OPA World Championships which encompasses portions of the Gulf of Mexico near Englewood, FL. During the enforcement periods, as reflected in § 100.735, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Broadcast Notice to Mariners.

Holly L. Najarian,

Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg.

[FR Doc. 2018–19176 Filed 9–4–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0376]

RIN 1625–AA00

Safety Zone; Neches River, Beaumont, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is extending the duration of a temporary safety zone on navigable waters of the Neches River extending 500-feet on either side of the Kansas City Southern Railroad Bridge that crosses the Neches River in Beaumont, TX. The safety zone is necessary to protect the bridge as well as persons and property on or near the bridge from potential damage from passing vessels until missing and/or damaged fendering systems are repaired or replaced. Entry of certain vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Marine Safety Unit Port Arthur or a designated representative.

DATES: This rule is effective without actual notice from September 5, 2018 until January 31, 2019. For the purposes of enforcement, actual notice will be used from September 1, 2018 until September 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2018–0376 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Scott Whalen, Marine Safety Unit Port Arthur, U.S. Coast Guard; telephone 409–719–5086, email *Scott.K.Whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Port Arthur
DHS Department of Homeland Security
FR Federal Register
KCS Kansas City Southern Railroad Company
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code
VTS Vessel Traffic Service

II. Background Information and Regulatory History

On April 19, 2018, the Coast Guard was notified that the wood fendering systems designed to protect bridge support columns of the Kansas City Southern Railroad Company's bridge (KSC) from strikes by vessels transiting under the bridge had been damaged or destroyed by Hurricane Harvey. The south bank column protection fenders are missing and the north bank column protection fenders are severely damaged. KCS indicated that strikes to the support columns could compromise the bridge structure. In response, on May 7, 2018, the Coast Guard published a temporary final rule; request for

comments titled ''Safety Zone; Neches River, Beaumont, TX'' (83 FR 19968). During the comment period that ended May 29, 2018, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to respond to potential safety hazards posed by and to passing vessel traffic and to the unprotected bridge columns supporting the KCS Bridge.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Marine Safety Unit Port Arthur (COTP) has determined that potential hazards posed by the unprotected bridge columns are a safety concern to the KCS Bridge and to persons and property on or near the bridge. The purpose of this rule is to provide for the safety of the KCS Bridge and persons and property on or near the bridge.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our temporary final rule; request for comments published on May 7, 2018. The only changes in the regulatory text of this rule are minor formatting edits and the extension of the effective period until January 31, 2018, or until the missing and/or damaged fenders are repaired or replaced, whichever occurs first.

This rule extends a temporary safety zone from September 1, 2018 through January 31, 2019 or until missing and/or damaged fendering systems are repaired or replaced, whichever occurs first. The safety zone extends 500-feet on either side of the KCS Bridge that crosses the Neches River in Beaumont, TX in approximate location 30°04′54.8″ N 094°05′29.4″ W. The duration of the zone is intended to protect the bridge support columns as well as persons and property on or near the bridge until the bridge fendering is repaired or replaced. Only vessels less than 65 feet in length and not engaged in towing are authorized to enter the zone, unless otherwise permitted by the COTP or a designated representative to enter the safety zone.

Persons and vessels not permitted to enter the safety zone must request permission from the COTP or a designated representative. They may be contacted through Vessel Traffic Service (VTS) on channels 65A or 13 VHF–FM, or by telephone at (409) 719–5070.

Permission to transit through the bridge will be based on weather, tide and current conditions, vessel size, horsepower, and availability of assist vessels. All persons and vessels permitted to enter this temporary safety zone shall comply with the lawful orders or directions given to them by COTP or a designated representative.

Intentional or unintentional contact with any part of the bridge or associated structure, including fendering systems, support columns, spans or any other portion of the bridge, is strictly prohibited. Report any contact with the bridge or associated structures immediately to VTS Port Arthur on channels 65A, 13 or 16 VHF–FM or by telephone at (409) 719–5070.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 13563 (''Improving Regulation and Regulatory Review'') and 12866 (''Regulatory Planning and Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs'') directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. As this rule is not a significant regulatory action, this rule is exempt from the requirements of Executive Order 13771. See OMB's Memorandum ''Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017). This regulatory action determination is based on the size, location and duration of the safety zone. This rule will only affect certain vessels transiting the upper reaches of the Neches River in Beaumont, TX. The Coast Guard will issue a VTS Advisory concerning the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within 500-feet of either side of the KCS Bridge that crosses the Neches River in Beaumont, TX. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.T08–0376 to read as follows:

§ 165.T08–0376 Safety Zone; Neches River, Beaumont, TX.

(a) *Location.* The following area is a safety zone: All navigable waters extending 500 feet on either side of the Kansas City Southern Railroad Bridge that crosses the Neches River in Beaumont, TX in approximate location 30°04′54.8″ N 094°05′29.4″ W.

(b) *Effective period.* This rule is effective without actual notice from September 5, 2018 until January 31, 2019 or until missing and/or damaged fendering systems are repaired or replaced, whichever occurs first. For the purposes of enforcement, actual notice will be used from September 1, 2018 until September 5, 2018.

(c) *Regulations.* (1) No vessel may enter or remain in the safety zone except:

(i) A vessel less than 65 feet in length and not engaged in towing; or

(ii) A vessel authorized by the Captain of the Port Marine Safety Unit Port Arthur (COTP) or a designated representative.

(2) Persons and vessels not permitted to enter the safety zone must request permission from the COTP or a designated representative. They may be contacted through Vessel Traffic Service (VTS) on channels 65A or 13 VHF–FM, or by telephone at (409) 719–5070.

(3) Permission to transit through the bridge will be based on weather, tide and current conditions, vessel size, horsepower, and availability of assist vessels. All persons and vessels permitted to enter this temporary safety zone shall comply with the lawful orders or directions given to them by COTP or a designated representative.

(4) Intentional or unintentional contact with any part of the bridge or associated structure, including fendering systems, support columns, spans or any other portion of the bridge, is strictly prohibited. Report any contact with the bridge or associated structures immediately to VTS Port Arthur on channels 65A, 13 or 16 VHF–FM or by telephone at (409) 719–5070.

(d) *Informational broadcasts.* The Coast Guard will inform the public through public of the effective period of this safety zone through VTS Advisories, Broadcast Notices to Mariners (BNMs), Local Notice to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: August 29, 2018.

Jacqueline Twomey,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Unit Port Arthur.

[FR Doc. 2018–19193 Filed 9–4–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0831]

RIN 1625–AA00

Safety Zone; SFODA 9233 Buffalo Operation; Lake Erie, Hamburg, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-foot radius of the water insertion site located offshore of Hamburg Beach/Town Park, Lake Erie, Hamburg, NY. This safety zone is intended to restrict vessels from portions of Lake Erie during the SFODA 9233 Buffalo Operation. This temporary safety zone is necessary to protect mariners and vessels from the navigational hazards associated with

this event. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Buffalo.

DATES: This rule is effective from 6:00 a.m. until 11:30 p.m. on September 5, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2018–0831 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Sean Dolan, Chief Waterways Management Division, U.S. Coast Guard; telephone 716–843–9322, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule due to it being impracticable and contrary to public interest. The final details of this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish a NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the rule's objectives of enhancing safety of life on the navigable waters and protection of persons and vessels in vicinity of the SFODA 9233 Buffalo Operation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Buffalo (COTP) has determined that helicopter training with swimmers jumping to the water presents significant risks to the public safety and property. Such hazards include excessive winds from helicopter, rougher than normal waters, dangerous projectiles, and falling debris. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the SFODA 9233 Buffalo Operation takes place.

IV. Discussion of the Rule

This rule establishes a safety zone on September 5, 2018, from 6:00 a.m. until 11:30 p.m. The safety zone will encompass all waters of Lake Erie, Hamburg, NY contained within a 500-foot radius of: 42°46′07.8″ N, 78°52′29.8″ W.

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

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

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

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule establishes a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0831 to read as follows:

§ 165.T09–0831 Safety Zone; SFODA 9233 Buffalo Operation; Lake Erie, Hamburg, NY.

(a) *Location.* The safety zone will encompass all waters of Lake Erie; Hamburg, NY contained within a 500-foot radius of: 42°46′07.8″ N, 78°52′29.8″ W.

(b) *Enforcement period.* This regulation will be enforced from 6:00 a.m. until 11:30 p.m. on September 5, 2018.

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

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

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

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

Dated: August 30, 2018.

Kenneth E. Blair,

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

[FR Doc. 2018–19191 Filed 9–4–18; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 83, No. 172
Wednesday, September 5, 2018

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

DEPARTMENT OF ENERGY

10 CFR Part 431

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Public Meetings for the Variable Refrigerant Flow Multi-Split Air Conditioners and Heat Pumps Working Group To Negotiate a Notice of Proposed Rulemaking for Test Procedures and Energy Conservation Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notification of public meetings and webinar.

SUMMARY: The U.S. Department of Energy (DOE or the Department) announces public meetings for the variable refrigerant flow multi-split air conditioners and heat pumps (VRF multi-split systems) working group. The Federal Advisory Committee Act (FACA) requires that agencies publish notice of an advisory committee meeting in the **Federal Register**.

DATES: See **SUPPLEMENTARY INFORMATION** section for meeting dates.

ADDRESSES: The next several rounds of public meetings will be held at multiple locations. Please see **SUPPLEMENTARY INFORMATION** section to find the address for each date. Please see the Public Participation section of this notice for additional information on attending the public meeting, including webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–5B), 950 L'Enfant Plaza SW, Washington, DC 20024. Phone: 202–287–1692. Email: *ASRAC@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On January 10, 2018, the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) met and passed the recommendation to form a VRF multi-split systems working group to meet and discuss and, if possible, reach a consensus on proposed federal test procedures and standards for VRF multi-split systems. On Wednesday, April 11, 2018, DOE published a notification of intent to establish a working group for VRF multi-split systems to negotiate a notice of proposed rulemaking for test procedures and energy conservations standards. The notice also solicited nominations for membership to the working group. 83 FR 15514. This notice announces the next series of meetings for this working group.

DOE will host a public meeting and webinar on the below dates.

- Monday, September 10, 2018 from 11 a.m. to 5 p.m. at National Renewable Energy Laboratory, 901 D St. SW, Suite 930, Washington, DC 20024.
- Tuesday, September 11, 2018 from 9 a.m. to 5 p.m. at National Renewable Energy Laboratory, 901 D St. SW, Suite 930, Washington, DC 20024.
- Monday, October 15, 2018 from 11 a.m. to 5 p.m. at U.S. Department of Energy, Forrestal Building, Room 6E–069, 1000 Independence Avenue SW, Washington, DC 20585–0121.
- Tuesday, October 16, 2018 from 9 a.m. to 5 p.m. at National Renewable Energy Laboratory, 901 D St. SW, Suite 930, Washington, DC 20024.
- Thursday, November 1, 2018 from 9 a.m. to 5 p.m. at National Renewable Energy Laboratory, 901 D St. SW, Suite 930, Washington, DC 20024.
- Friday, November 2, 2018 from 9 a.m. to 1 p.m. at Federal Mediation & Conciliation Services, 250 E St. SW, Washington, DC 20427.
- Thursday, November 15, 2018 from 9 a.m. to 5 p.m. at Federal Mediation & Conciliation Services, Room 7008, 250 E St. SW, Washington, DC 20427.
- Friday, November 16, 2018 from 9 a.m. to 1 p.m. at Federal Mediation & Conciliation Services, Room 7008, 250 E St. SW, Washington, DC 20427.
- Wednesday, December 5, 2018 from 9 a.m. to 5 p.m. at Federal Mediation & Conciliation Services, Room 7008, 250 E St. SW, Washington, DC 20427.
- Thursday, December 6, 2018 from 9 a.m. to 5 p.m. at Federal Mediation & Conciliation Services, Room 7008, 250 E St. SW, Washington, DC 20427.

The purpose of these meetings will be to negotiate in an attempt to reach consensus on proposed federal test procedures and standards for VRF multi-split systems.

Public Participation

Attendance at Public Meeting

The time, date and location of the public meeting are listed in the **SUPPLEMENTARY INFORMATION** section of this document. If you plan to attend the public meeting, please notify the ASRAC staff at *asrac@ee.doe.gov.*

Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed.

DOE requires visitors to have laptops and other devices, such as tablets, checked upon entry into the building. Any person wishing to bring these devices into the Forrestal Building will be required to obtain a property pass. Visitors should avoid bringing these devices, or allow an extra 45 minutes to check in. Please report to the visitor's desk to have devices checked before proceeding through security.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding ID requirements for individuals wishing to enter Federal buildings from specific States and U.S. territories. DHS maintains an updated website identifying the State and territory driver's licenses that currently are acceptable for entry into DOE facilities at *https://www.dhs.gov/real-id-enforcement-brief.* A driver's license from a State or territory identified as not compliant by DHS will not be accepted for building entry and one of the alternate forms of ID listed below will be required. Acceptable alternate forms of Photo-ID include U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by States and territories as identified on the DHS website (Enhanced licenses issued by these States and territories are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government-issued Photo-ID card.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *https://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Procedure for Submitting Prepared General Statements for Distribution

Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting. Such persons may submit requests, along with an advance electronic copy of their statement in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, to the appropriate address shown in the **FOR FURTHER INFORMATION CONTACT** section of this notice. The request and advance copy of statements must be received at least one week before the public meeting and may be emailed, hand-delivered, or sent by mail. DOE prefers to receive requests and advance copies via email. Please include a telephone number to enable DOE staff to make a follow-up contact, if needed.

Conduct of Public Meeting

ASRAC's Designated Federal Officer will preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and prepare a transcript. A transcript of the public meeting will be included on DOE's website: *https://energy.gov/eere/buildings/appliance-standards-and-rulemaking-federal-advisory-committee.* In addition, any person may buy a copy of the transcript from the transcribing reporter. Public comment and statements will be allowed prior to the close of the meeting.

Docket

The docket is available for review at *https://www.regulations.gov/docket?D=EERE-2018-BT-STD-0003,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the regulations.gov index. However, not all documents listed in the index may be publically available, such as information that is exempt from public disclosure.

Signed in Washington, DC, on August 29, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–19212 Filed 9–4–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 25 and 195

[Docket ID OCC–2018–0008]

RIN 1557–AE34

Reforming the Community Reinvestment Act Regulatory Framework

AGENCY: Office of the Comptroller of the Currency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC or agency) invites comments on this advance notice of proposed rulemaking (ANPR) to solicit ideas for building a new framework to transform or modernize the regulations that implement the Community Reinvestment Act of 1977 (CRA). A new CRA regulatory framework would help regulated financial institutions more effectively serve the convenience and needs of their communities by encouraging more lending, investment, and activity where it is needed most; evaluating CRA activities more consistently; and providing greater clarity regarding CRA-qualifying activities. A transformed or modernized framework also would facilitate more timely evaluations of bank CRA performance, offer greater transparency regarding ratings, promote a consistent interpretation of the CRA, and encourage increased community and economic development in low- and moderate-income (LMI) areas. Revisions of this nature are consistent with the original intent of the CRA: To help meet the credit needs of the communities that banks serve. In addition, these types of revisions would align with the transformation of the banking industry and reduce the complexity, ambiguity, and burden associated with the regulations.

DATES: Comments on this ANPR must be received on or before November 19, 2018.

ADDRESSES: Comments should be directed to:

Commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Reforming the Community Reinvestment Act Regulatory Framework'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—''Regulations.gov'':* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0008'' in the Search box and click ''Search.'' Click on ''Comment Now'' to submit public comments. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*, including instructions for submitting public comments.
- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2018–0008'' in your comment. In general, the OCC will enter all relevant comments received into the docket and publish your comment on the *Regulations.gov* website without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.regulations.gov.* Enter ''Docket ID OCC–2018–0008'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen. Comments and supporting materials can be viewed and filtered by clicking on ''View all documents and comments in this docket'' and then

using the filtering tools on the left side of the screen. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov*. The docket may be viewed after the close of the comment period in the same manner as during the comment period.

• *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect comments.

FOR FURTHER INFORMATION CONTACT:

OCC: Vonda J. Eanes, Director for CRA and Fair Lending Policy, Compliance Risk Policy Division, (202) 649–5470; Emily R. Boyes, Senior Attorney, (202) 649–6350, Karen E. McSweeney, Special Counsel, (202) 649–5490, and Allison Hester-Haddad, Counsel, (202) 649–5490, Chief Counsel's Office; for persons who are deaf or hearing impaired, TTY (202) 649–5597; or Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

I. Background and Introduction

The Community Reinvestment Act of 1977 [1] was enacted to encourage financial institutions [2] (banks) to help meet the credit needs of the communities that they serve, including LMI neighborhoods, consistent with the banks' safe and sound operations. In passing the CRA, Congress established that (1) banks are required by law to demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business; (2) the convenience and needs of communities include the need for credit services as well as deposit services; and (3) banks have a continuing and affirmative obligation to help meet the credit needs of the local communities in which they are chartered.[3] The statute directed each appropriate federal financial supervisory agency (*i.e.,* the OCC, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (collectively, agencies)) to assess the record of a bank in meeting the credit needs of its entire community, including LMI neighborhoods; [4] take this record into account when evaluating the bank's application for a deposit facility; [5] and report to Congress the actions it has taken to carry out its CRA responsibilities.[6] The CRA directed each agency to publish regulations to carry out the statute's purpose.[7]

Since the CRA's enactment, Congress has amended the statute numerous times, including in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [8] (which required public disclosure of a bank's CRA written evaluation and rating); the Federal Deposit Insurance Corporation Improvement Act of 1991 [9] (which required the inclusion of a bank's CRA examination data in the determination of its CRA rating); the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 [10] (which (1) required an agency to consider an out-of-state national bank's or state bank's CRA rating when determining whether to allow interstate branches; and (2) prescribed certain requirements for the contents of the written CRA evaluation for banks with interstate branches); and the Gramm-Leach-Bliley Act of 1999 [11] (which, among other things, provided regulatory relief for smaller banks by reducing the frequency of their CRA examinations).

In 1978, consistent with Congress' statutory directive, the agencies promulgated the first CRA regulations.[12] They have since amended these regulations on several occasions, most significantly in 1995 and 2005.[13] In addition, the agencies have periodically published interpretations of the CRA regulations in the form of Interagency Questions and Answers Regarding Community Reinvestment (Q&A guidance).[14]

The CRA requires each agency to prepare a written evaluation of a bank's record of meeting the credit needs of its entire community, including LMI neighborhoods, at the conclusion of its CRA evaluation.[15] This report, known as a Performance Evaluation (PE), is required to be a public document that presents an agency's conclusions regarding a bank's overall performance for each ''assessment factor'' identified in the CRA regulations.[16] A PE must also present facts and data supporting the agency's conclusions [17] and contain both the bank's CRA rating and a description of the basis for the rating.[18] A bank's CRA rating is considered, for example, in applications to merge or acquire another bank, open a branch, or relocate a main office or branch.[19] A bank with a CRA rating below ''satisfactory'' may be restricted from certain activities until its next CRA evaluation, which is generally one or more years in the future.

II. The Changing Banking Environment

Over the past two decades, the financial services industry has undergone transformative changes, including the removal of bank interstate branching restrictions and the expanded role of technology in financial services. To better understand how banking products and services are delivered to consumers in this evolving industry and how these changes affect a bank's CRA performance, the agencies have solicited feedback from the banking industry, community groups, academics, and others (collectively, stakeholders) on several occasions. For example, in 2010, the agencies held a series of joint public hearings across the country and solicited written feedback regarding how to update the CRA regulations in light of, among other things, changes in how banking services were delivered to consumers.[20]

From 2014 through 2016, the agencies again solicited feedback on the CRA, as part of the Economic Growth and

[1] Public Law 95–128, 91 Stat. 1147 (October 12, 1977), *codified at* 12 U.S.C. 2901 *et seq.*

[2] 12 U.S.C. 2902(2) defines ''regulated financial institution'' to mean an ''insured depository institution'' as defined in 12 U.S.C. 1813. Twelve U.S.C. 1813(c)(2) defines ''insured depository institution'' to mean any bank or savings association whose deposits are insured by the Federal Deposit Insurance Corporation.

[3] 12 U.S.C. 2901(a).

[4] 12 U.S.C. 2903(a)(1).

[5] 12 U.S.C. 2903(a)(2).

[6] 12 U.S.C. 2904.

[7] 12 U.S.C. 2905.

[8] Public Law 101–73, 103 Stat. 183 (August 9, 1989).

[9] Public Law 102–242, 105 Stat. 2236 (December 19, 1991).

[10] Public Law 103–328, 108 Stat. 2338 (September 29, 1994).

[11] Public Law 106–102, 113 Stat. 1338 (November 12, 1999).

[12] 43 FR 47144 (October 12, 1978).

[13] 60 FR 22156 (May 4, 1995); 70 FR 44256 (August 2, 2005). Although adopted individually by each agency, the regulations have generally been drafted on an interagency basis and released jointly.

[14] The agencies have published the Q & A guidance for notice and comment prior to final publication in the **Federal Register**.

[15] 12 U.S.C. 2906.

[16] 12 U.S.C. 2906(b)(1)(A)(i).

[17] 12 U.S.C. 2906(b)(1)(A)(ii).

[18] 12 U.S.C. 2906(b)(1)(A)(iii). There are four statutory rating categories: Outstanding, satisfactory, needs to improve, and substantial non-compliance (12 U.S.C. 2906(b)(2)).

[19] 12 CFR 25.29 and 195.29.

[20] *See* ''Agencies Announce Public Hearings on Community Reinvestment Act Regulations,'' Joint Press Release (June 17, 2010) (available at *https://www.occ.gov/news-issuances/news-releases/2010/nr-ia-2010-65.html*).

Regulatory Paperwork Reduction Act of 1996 review,[21] and received more than 60 comments about the CRA regulatory framework. These comments raised issues related to regulatory burden, as well as broader issues related to modernizing the CRA regulations and related Q&A guidance. During 2017 and 2018, the OCC held numerous meetings with bankers, community groups, non-profit organizations, legislators, and other stakeholders and regulators to discuss the current CRA regulatory framework and to solicit input on how to improve the current regulatory framework.

During 2017 and 2018, the U.S. Department of the Treasury (Treasury Department) invited a diverse group of stakeholders to provide feedback on how the CRA regulations could more effectively encourage economic growth in the communities that banks serve.[22] On April 3, 2018, the Treasury Department issued recommendations to the agencies for broad changes to the fundamental administration of the CRA based on the feedback it had received. Specifically, the Treasury Department recommended updating the approach to delineating assessment areas to reflect the changing nature of banking; improving the evaluation process to increase the timeliness of evaluations and enable greater accountability for banks' CRA activity planning; increasing the clarity and flexibility of CRA evaluations to foster transparency and effectiveness in CRA rating determinations; and incorporating performance incentives to encourage banks to meet the credit and deposit needs of their communities.[23]

As the financial services industry continues to evolve, many stakeholders believe that the statutory purpose of the CRA—to encourage banks to help meet the credit needs of the communities they serve, including LMI areas, in a manner that is consistent with their safe and sound operation—is not fully or effectively accomplished through the current regulations. Although aspects of the current CRA regulatory framework may be sufficient for certain locally focused and less complex banks, stakeholders have expressed concern that the current CRA regulatory framework no longer reflects how many banks and consumers engage in the business of banking. Stakeholders have also identified concerns about the lack of clarity, consistency, and certainty with respect to current CRA regulatory requirements.

III. Objectives of the ANPR

The OCC has reached out to and engaged with over 1,000 stakeholders on the existing CRA framework and whether it is meeting the credit needs of communities, given the changing landscape of the financial services industry and banking. The OCC's goal for issuing this ANPR is to obtain additional public input on how to revise the CRA regulations to encourage more local and nationwide community and economic development—and thus promote economic opportunity—by encouraging banks to lend more to LMI areas, small businesses, and other communities in need of financial services. The agency invites comments on how to revise the CRA regulations to bring greater clarity, consistency, and certainty to the evaluation process, as well as to provide flexibility to accommodate banks with different business strategies. The OCC also invites comments on how to update assessment area definitions to accommodate digital lending channels, while retaining a focus on the communities in which bank branches are located. Additionally, the agency invites comments on clarifying and broadening the range of activities supporting community and economic development that qualify for CRA consideration.

The following sections of the ANPR invite comments from all stakeholders on changing the current approach to performance evaluations; developing metrics to increase the objectivity of performance measures; updating how communities and assessment areas are defined to accommodate banks with different business strategies and allow banks to help meet the needs of underserved communities; broadening the range of qualifying activities to better support the purpose of the CRA; and enhancing recordkeeping and reporting. The OCC invites all comments and suggestions for other ways to improve the CRA regulatory framework.

IV. Current CRA Regulatory Approach

A. Current Performance Evaluation Methods

The OCC's current CRA regulations provide different methods to evaluate a bank's CRA performance depending on the bank's asset size and business strategy.[24] Some stakeholders have expressed the view that the current regulatory framework is too complex, the asset thresholds for the performance tests and standards have not kept pace with bank asset sizes, and the standards are not applied transparently or consistently in performance evaluations.

Under the current framework,

- small banks (banks with less than $313 million in assets) are evaluated under a retail lending test that may also consider community development (CD) loans. CD investments and services may be considered for an outstanding rating at the bank's option, but only if the bank meets or exceeds the lending test criteria in the small bank performance standards.
- intermediate small banks (ISB) (banks with asset sizes between $313 million and $1.252 billion) are evaluated under the retail lending test for small banks and a CD test. The ISB CD test evaluates all CD activities together.
- large banks (banks with more than $1.252 billion in assets) are evaluated under the lending, investment, and service tests. The large bank lending and service tests consider both retail and CD activity, while the investment test focuses on qualified CD investments.
- wholesale and limited purpose banks are evaluated under a CD test that considers activities in a much broader geographic area than the area that is considered for large banks or ISBs.
- a bank whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area is evaluated under the performance test or standards applicable to its size and business model; such a bank, however, may delineate its entire deposit customer base as its assessment area.
- any bank can elect to be evaluated under a strategic plan that sets out measurable, annual goals for lending, investment, and service to achieve a satisfactory or outstanding rating. A strategic plan must be developed with community input and approved by the bank's primary regulator.

Additionally, although the small bank, ISB, and large bank lending tests share some common elements, other elements are unique to each test. For example, to facilitate the evaluation of performance under the large bank lending test, the CRA regulations require that certain data on small business, small farm, and CD loans be collected and reported annually. Small

[21] *See, e.g.,* 80 FR 7980 (February 13, 2015).

[22] Memorandum from the U.S. Department of the Treasury to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (April 3, 2018) (available at *https://home.treasury.gov/sites/default/files/2018-04/4-3-18%20CRA%20memo.pdf*).

[23] *Id.* at 2.

[24] The asset sizes are adjusted annually based on the Consumer Price Index.

banks and ISBs are not required to report this data.

Finally, the OCC also considers applicable performance context information to inform its conclusions and CRA ratings in all cases.

B. Community and Assessment Areas

The CRA statute does not define ''community.'' The statute requires the OCC to state conclusions, supported by facts and data, on banks' performance in metropolitan areas and—for banks with branches in more than one state—in the nonmetropolitan area of a state where a bank has one or more domestic branches.[25]

The current CRA regulations also do not expressly define ''community''; they implement the concept by requiring a bank to delineate one or more ''assessment area(s)'' in which the agency evaluates the bank's record of helping to meet the credit needs of its ''community.''[26]

The current CRA regulations specify what must be and what cannot be included in the assessment area delineation. The current interpretation of the regulations limits assessment area(s) to the area(s) surrounding a bank's main office, branch offices, and deposit-taking automated teller machines (ATMs).

A bank's CRA performance evaluation is based primarily on the CRA-qualifying activities that occur in or serve a bank's assessment area(s). For some banks, their assessment area(s) may not include a substantial portion of the area(s) in which they conduct activities that would otherwise qualify for CRA consideration. The activities that occur outside of the bank's assessment area that do not have a purpose, mandate, or function of serving the bank's assessment area generally will not receive consideration unless the agency concludes that the bank has been responsive to the needs of its assessment area(s). Even then, the current CRA regulations and Q&A guidance generally limit consideration of CD activities to the broader statewide or regional areas that includes the bank's assessment area(s).[27] Stakeholders have expressed concern that, in practice, the lack of clarity in the regulations and guidance limits banks' willingness or ability to engage in CD activities outside of their assessment area(s).

The current assessment area definition was developed when banking was based largely on physical branch locations as the primary means of delivering products and services. While some banks continue to conduct most of their CRA-qualifying activities within their assessment area(s), in part because of the current framework for evaluating CRA performance, banking has evolved and the cost of operating branches has increased. Changes in the industry offer more opportunities for banks to engage in business outside of the geographies surrounding physical branches. Numerous factors, including technological advances in the delivery of banking services, shifting business models, and changes in consumer behavior and preferences permit banks to engage in the business of banking regardless of whether they have branches or, if they do, the location of their branches.

C. Questions Regarding Current Regulatory Approach

The OCC invites comments on changes to transform or modernize the current CRA regulatory framework, including with respect to the following questions:

1. Are the current CRA regulations clear and easy to understand?

2. Are the current CRA regulations applied consistently?

3. Is the current CRA rating system objective, fair, and transparent?

4. Two goals of the CRA are to help banks effectively serve the convenience and needs of their entire communities and to encourage banks to lend, invest, and provide services to LMI neighborhoods. Does the current regulatory framework support these goals in light of how banks and consumers now engage in the business of banking?

5. With the statutory purpose of the CRA in mind, what aspects of the current regulatory framework are most successful in achieving that purpose?

6. If the current regulatory framework is changed, what features and aspects of the current framework should be retained?

V. A Modernized CRA

A. Revising or Transforming the Current Regulatory Approach

1. Revising the Current Performance Evaluation Method

The OCC invites comments on ways to modernize the current regulatory framework by modifying and streamlining the existing CRA performance tests, such as by implementing an alternative evaluation method or by increasing and enhancing the use of metrics within the performance tests. One such alternative evaluation method could replace existing performance tests and standards and separately evaluate retail or CD activities for all banks, accounting for variations in size, business model, and other factors. This approach could include updated metrics that take into account information on a bank's performance context, such as the demographic characteristics and the economic and financial conditions of specific communities.

2. Metric-Based Framework

The OCC also invites comments on a more transformational approach to the CRA regulatory framework that could (1) increase the transparency of how a bank's CRA performance is evaluated by using quantitative benchmarks for specific ratings and clear standards for quantifying CRA activities; (2) define ''community'' more broadly to include additional domestic geographies in which the bank engages in the business of banking; and (3) expand the types of activities that would receive CRA consideration in a CRA evaluation, with a focus on lending, investments, and services for LMI geographies and individuals and other geographies and populations in need of financial services. Such an approach could simplify and improve the implementation of the CRA while better effectuating the law's directive to encourage banks to serve their entire communities, including LMI neighborhoods, consistent with safe and sound operations.

One approach is to create a metric-based performance measurement system with thresholds or ranges (benchmarks) that correspond to the four statutory CRA rating categories.[28] These benchmarks could represent the overall or ''macro'' benchmarks for obtaining a

[25] 12 U.S.C. 2906(b)(1)(B), (d)(3)(A). ''Domestic branch'' is defined as any bank branch office or other bank facility that accepts deposits, located in any state (12 U.S.C. 2906(e)(1)). For banks that maintain domestic branches in two or more states, the OCC must prepare separate written evaluations of performance in each state in which banks maintain one or more domestic branches. For banks that maintain domestic branches in two or more states within a multistate metropolitan area, the OCC must prepare a separate written evaluation of performance within the multistate metropolitan area (12 U.S.C. 2906(d)(1)(B), (d)(2)).

[26] 12 CFR 25.41 and 195.41.

[27] *See* Q & A guidance § __.12(h)–6. For banks evaluated pursuant to the CD test for wholesale or limited purpose banks, the agencies also consider qualified investments, CD loans, and CD services that benefit areas outside the bank's asessment area(s), if the bank has adequately adressed the needs of its assessment area(s) (12 CFR 25.25(e)(2) and 195.25(e)(2)).

[28] As noted in footnote 18, the four statutory rating categories are outstanding, satisfactory, needs to improve, and substantial non-compliance (12 U.S.C. 2906(b)(2)).

particular rating and could be composed of the ''micro'' components of CRA qualifying lending, investments, and services. These components could be aggregated to achieve the overall benchmark or level of performance. This approach would allow flexibility to accommodate bank capacity and business models while facilitating the comparison among banks of all sizes and business models and the evaluation against an objective, transparent threshold.

In a metric-based framework designed to bring clarity to the determination of CRA ratings, the benchmarks representing the dollar value of CRA-qualified activity could be compared to readily available and objective criteria, such as, a percentage of domestic assets, deposits, or capital from the bank's balance sheet, to calculate a ratio that could correspond to the benchmark established for each rating category. For example, a bank with $1 billion in total assets that conducted $100 million of CRA-qualifying activities in the aggregate would achieve a 10-percent ratio, if total assets were used for the denominator.

The OCC invites comments on the above approaches, including with respect to the following questions:

7. How could an alternative method for evaluating CRA performance be applied, taking into account the following factors: bank business model, asset size, delivery channels, and branch structure; measures or criteria used to evaluate performance, including appropriate metrics; and consideration for qualifying activities that serve areas outside a bank's delineated assessment areas?

8. How could appropriate benchmarks for CRA ratings be established under a metric-based framework approach, taking into account balance-sheet items, such as assets, deposits, or capital and other factors, including business models?

9. How could performance context be included in such a metric-based approach?

10. In a metric-based framework, additional weight could be given to certain categories of CRA-qualifying activities, such as activities in certain geographies, including LMI areas near bank branches; activities targeted to LMI borrowers; or activities that are particularly innovative, complex, or impactful on the bank's community. How could a metric-based framework most effectively apply different weighting to such categories of activities? For example, should a $1 loan product count as $1 in the aggregate, while a $1 CD equity investment count as $2 in the aggregate?

11. How can community involvement be included in an evaluation process that uses a metric-based framework?

12. For purposes of evaluating performance, CD services are not currently quantified in a standard way, such as by dollar value. Under a metric-based framework, how should CD services be quantified? For example, a bank could calculate the value of 1,000 hours of volunteer work by multiplying it by an average labor rate and then include that number in the aggregate total value of its CRA activity.

3. Redefining Communities and Assessment Areas

To recognize evolving banking practices, the OCC invites comments on ways to update how a bank's community is interpreted for purposes of implementing the CRA. Under an updated approach, banks would continue to receive consideration for CRA-qualifying activities within their branch and deposit-taking ATM footprint and could receive consideration for providing these types of beneficial activities in LMI areas outside of their branch and deposit-taking ATM footprint and other underserved areas. An updated approach to defining assessment areas could allow a bank to include additional areas tied to the bank's business operations (*e.g.,* areas where the bank has a concentration of deposits or loans, non-bank affiliate offices, or loan production offices). Under such an approach, banks could include these additional geographies in their assessment areas, enabling consideration of CRA-qualifying activities conducted within these areas. Such an approach could address concerns that the current CRA assessment areas can restrict bank lending or investment in areas of need, by expanding the circumstances in which banks receive consideration for CRA-qualifying activities beyond their delineated assessment areas. Providing consideration for activities conducted in targeted areas or areas that have historically been largely excluded from consideration such as remote rural populations or Indian country, for example, could help promote services and activities in those areas as well. It may also accommodate banks that either operate with business models that have no physical branches or banks with services that reach far beyond the geographic location of their physical branches. While the OCC would continue to assess CRA performance as required by statute, qualifying activities outside of the areas where a bank has its main office, branch offices, and deposit-taking ATMs could be considered and assessed in the aggregate, at the bank level, in addition to activities in its traditional assessment areas or local geographies.

The OCC invites comments on this approach, including with respect to the following questions:

13. How could the current approach to delineating assessment areas be updated to consider a bank's business operations, in addition to branches and deposit-taking ATMs, as well as more of the communities that banks serve, including where the bank has a concentration of deposits, lending, employees, depositors, or borrowers?

14. Should bank activities in the LMI geographies surrounding branches and deposit-taking ATMs, or in other targeted geographic areas, be weighted (and if so, how), or should some other approach be taken to ensure that activities in those areas continue to receive appropriate focus from banks, such as requiring banks to have some minimum level of performance in the metropolitan statistical area (MSA) and non-MSA areas in which they have domestic branches before receiving credit for activity outside those areas?

B. Expanding CRA-Qualifying Activities

The OCC invites comments on the type and categories of activities that should receive CRA consideration. Within the current regulation's performance tests and standards, CRA activities are generally considered in two categories—retail and CD—with the objective of encouraging banks to engage in a broad range of CRA-qualifying activities that are within LMI and other areas specified in the regulations and that benefit LMI individuals, small businesses, and small farms. For the most part, CRA-qualifying activities are defined by the regulations and further described in the Q&A guidance. The statute, however, requires the agencies to consider low-cost education loans provided to low-income borrowers, and it permits the agencies to consider activities undertaken by a non-minority-owned bank in conjunction with a minority- or women-owned bank or low-income credit union (MWLI), provided these activities benefit the MWLI's local community.

Some stakeholders have expressed concerns about which activities receive CRA consideration. These stakeholders generally express a desire for more clarity and certainty regarding which CD, small business, lending, and retail service activities will receive CRA consideration.

The OCC invites comments on regulatory changes that could ensure CRA consideration for a broad range of activities supporting community and economic development in banks' CRA performance evaluations, while retaining a focus on LMI populations and areas, and set clear standards for determining whether an activity qualifies for CRA consideration. The OCC recognizes that providing greater clarity on qualifying activities could be beneficial in supporting the goals of the CRA for all banks, including those with more traditional business models.

Additionally, under the current regulatory framework banks receive CRA consideration for certain small business loans. The CRA regulatory definition of a small business loan mirrors the definition found in bank Call Reports.[29]

The OCC also considers whether a large bank uses innovative or flexible lending practices in addressing the credit needs of LMI borrowers or geographies. Depending on the facts and circumstances, a bank that develops a unique approach or lending program targeted to support the needs of borrowers or small businesses in LMI geographies, LMI borrowers, or small businesses may be eligible to receive consideration under CRA for those activities.

The OCC invites comments on the role of small business credit in LMI areas or for LMI small business owners, and under what circumstances small business loans should receive CRA consideration.

The OCC invites comments on qualifying activities, including with respect to the following questions:

15. How should ''community and economic development'' be defined to better address community needs and to incentivize banks to lend, invest, and provide services that further the purposes of the CRA? For example, should certain categories of loans and investments be presumed to receive consideration, such as those that support projects, programs, or organizations with a mission, purpose, or intent of community or economic development; or, within such categories, only those that are defined as community or economic development by federal, state, local, or tribal governments?

16. Should there be specific standards for CD activities to receive consideration, such as requiring those activities to provide identified benefits to LMI individuals and small business borrowers or to lend to and invest in LMI communities or other areas or populations identified by federal, state, local, or tribal government as distressed or underserved, including designated major disaster areas (hereinafter referred to as ''other identified areas'' or ''other identified populations'')?

17. Are there certain categories of CD activities that should only receive consideration if they benefit specified underserved populations or areas, such as providing credit or technical assistance to small businesses or small farms; credit or financial services to LMI individuals or other identified populations (such as the disabled); or social services for LMI individuals or job creation, workforce development, internships, or apprentice programs for LMI individuals or other identified populations?

18. Should consideration for certain activities that might otherwise qualify as CD be limited or excluded? For example, how should investments in loan-backed securities be considered?

19. How should financial education or literacy programs, including digital literacy, be considered?

20. Should bank activities to expand the use of small and disadvantaged service providers receive CRA consideration as CD activities?

21. The current regulatory framework provides for CRA performance evaluations to consider home mortgage, small business, and small farm lending, and consumer lending in certain circumstances. Should these categories of lending continue to be considered as CRA-qualifying activities or should consideration in any or all of these categories be limited to loans to LMI borrowers and loans in LMI or other identified areas?

22. Under what circumstances should consumer lending be considered as a CRA-qualifying activity? For example, should student, auto, credit card, or affordably priced small-dollar loans receive consideration? If so, what loan features or characteristics should be considered in deciding whether loans in these categories are CRA-qualifying?

23. Under what circumstances should small business loans receive CRA consideration? For example should consideration be given to all loans to businesses that meet the Small Business Administration standards for small businesses?

24. How should small business loans with a CD purpose be considered?

25. Should a bank's loan purchases and loan originations receive equal consideration when evaluating that bank's lending performance?

26. Should loans originated by a bank to hold in portfolio be weighted differently from loans originated for sale? If so, how?

27. Should bank delivery channels, branching patterns, and branches in LMI areas be reviewed as part of the CRA evaluations? If so, what factors should be considered?

28. The CRA states that the agencies may take into consideration in the CRA evaluation of a non-minority-owned and non-women-owned financial institution (majority-owned institution) any capital investment, loan participation, and other venture undertaken in cooperation with MWLIs, even if these activities do not benefit the majority-owned institution's community, provided that these activities help meet the credit needs of local communities in which the MWLIs are chartered. What types of ventures should be eligible for such consideration, and how should such ventures be considered?

C. Recordkeeping and Reporting

The OCC also invites comments on how to modernize CRA regulations to promote transparency and consistency in recordkeeping, reporting, and examination requirements. The current regulatory approach does not facilitate regular tracking, monitoring, and comparisons of levels of CRA performance by banks and other stakeholders. One advantage of a modernized CRA framework that uses objective reportable metrics could be to allow for better tracking by banks of their overall CRA level of performance on a regular, periodic basis. If a metric-based framework and clarified standards for identifying and measuring qualifying activities were implemented, such an approach could also allow stakeholders to better understand the level of a bank's CRA performance on a straightforward and timely basis.

This type of framework may involve an updated approach to the OCC's CRA-related data collection to be used for monitoring and assessing banks' CRA performance. Additionally, under a metric-based framework, the ability to differentiate among activities based on their location, type, or other factors may involve additional recordkeeping and reporting.

Such reporting could also support comparison among banks, their peer groups, or the entire industry and would

[29] Loans to small businesses are defined as those with original amounts of $1 million or less reported on the institution's Call Report as either ''loans secured by nonfarm residential property'' or ''commercial and industrial loans.'' In addition to receiving consideration for business loan in amounts of $1 million or less, a bank may also receive CRA consideration for business loans of more than $1 million if the loan has a primary purpose of ''community development'' as that term is defined in the CRA regulations.

support understanding of industry-wide activity and trends.

The OCC invites comments on CRA recordkeeping and reporting requirements. The OCC notes that additional feedback on recordkeeping and reporting may be necessary if a new framework is proposed in a future rulemaking.

29. Could the reporting of data gathered using a metric-based approach on a regular, periodic basis better support the tracking, monitoring, and comparison of CRA performance levels?

30. How frequently should banks report CRA activity data for the OCC to evaluate and report on CRA performance under a revised regulatory framework?

31. As required by law, and to the extent possible, the OCC attempts to minimize regulatory burden in its rulemakings consistent with the effective implementation of its statutory responsibilities. The OCC is committed to evaluating the economic impact of, and costs and benefits associated with, any changes that are proposed to the CRA regulations. Under the current regulatory framework, what are the annual costs, in dollars or staff hours, associated with CRA-related data collection, recordkeeping, and reporting?

D. Additional Options or Approaches

The OCC invites other ideas and options for modernizing the CRA regulatory framework not identified in this ANPR.

Dated: August 28, 2018.

Joseph M. Otting,

Comptroller of the Currency.

[FR Doc. 2018–19169 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0832]

RIN 1625–AA00

Safety Zone; Head of the Buffalo Regatta; Buffalo River, Buffalo, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Buffalo River during the Head of the Buffalo Regatta. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Buffalo or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before October 5, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0832 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On August 16, 2018, the Buffalo Scholastic Rowing Association notified the Coast Guard that it would be conducting a rowing regatta from 8:00 a.m. to 6:00 p.m. on October 20, 2018, in conjunction with the Head of the Buffalo Regatta. The rowing vessels will launch for their warmup from the Ohio St. Kayak Launch, at position 42°51′55.9″ N, 78°52′07.2″ W, then proceed to travel upriver to turnaround at position 42°51′36.7″ N, 78°50′56.0″ W. The race will then begin at position 42°51′40.0″ N, 78°50′56.5″ W, and proceed downriver to the finish line near the Ohio St. bridge at position 42°52′17.5″ N, 78°52′21.0″ W. Participants will then proceed further upriver to the turnaround point located at position 42°52′19.4″ N, 78°52′25.3″ W, and return to the starting point. The Captain of the Port Buffalo (COTP) has determined that potential hazards associated with rowboat races would be a safety concern for anyone within that stretch of the Buffalo River.

The purpose of this rulemaking is to enhance the safety of vessels and racers on the navigable waters within the above stated points, before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a temporary safety zone to be enforced intermittently from 8:00 a.m. until 6:00 p.m. on October 20, 2018. The safety zone will cover all navigable waters between the two points starting at position 42°52′19.4″ N, 78°52′25.3″ W, and ending at position 42°51′36.7″ N, 78°50′56.0″ W, on the Buffalo River, Buffalo, NY. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled rowboat races between 8:00 a.m. and 6:00 p.m. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would not be able to safely transit around this safety zone, which would impact a small designated area of the Buffalo River. However, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves establishing a safety zone lasting 10 hours that would prohibit entry into the waters contained within a 3.1-mile stretch of the Buffalo River. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0832 to read as follows:

§ 165.T09–0832 Safety Zone; Head of the Buffalo Regatta; Buffalo River, Buffalo, NY.

(a) *Location.* The safety zone will encompass all waters of the Buffalo River, Buffalo, NY, beginning at position 42°52′19.4″ N, 78°52′25.3″ W to 42°51′36.7″ N, 78°50′56.0″ W.

(b) *Enforcement Period.* This rule is effective from 8:00 a.m. until 6:30 p.m. on October 20, 2018.

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

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

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

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

Dated: August 28, 2018.

Joseph S. Dufresne,

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

[FR Doc. 2018–19192 Filed 9–4–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R06–RCRA–2018–0395; FRL–9982–64—Region 6]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The State of Louisiana Department of Environmental Quality (LDEQ) has applied to the Environmental Protection Agency (EPA) for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Louisiana's application, and has determined that these changes satisfy all requirements needed to qualify for final authorization and is proposing to authorize the State's changes. The EPA is seeking public comment prior to taking final action.

DATES: Comments on this proposed rule must be received by October 5, 2018.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: patterson.alima@epa.gov.*
- *Fax:* (214) 665–6762 (prior to faxing, please notify Alima Patterson at (214) 665–8533).
- *Mail:* Alima Patterson, Regional Authorization/Codification Coordinator, RCRA Permit Section (6MM–RP), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand Delivery or Courier:* Deliver your comments to Alima Patterson, Regional Authorization/Codification Coordinator, RCRA Permit Section (6MM–RP), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: EPA must receive your comments by October 5, 2018. Direct your comments to Docket ID Number EPA–R06–RCRA–2018–0395. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov,* or email. The Federal *regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with CD you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.regulations.gov*).

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov,* or in hard copy.

You can view and copy Louisiana's application and associated publicly available materials from 8:30 a.m. to 4:00 p.m. Monday through Friday at the following locations: Louisiana Department of Environmental Quality, 602 N Fifth Street, Baton Rouge, Louisiana 70884–2178, phone number (225) 219–3559 and EPA, Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, phone number (214) 665–8533. The public is advised to call in advance to verify business hours. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6, Regional Authorization/Codification Coordinator, Permit Section (6MM–RP), Multimedia Division, (214) 665–8533, EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733, and Email address *patterson.alima@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to State programs necessary?

States which have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is

modified or when certain other changes occur.

Most commonly, States must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

B. What decisions have the EPA made in this rule?

On March 13, 2018, the State of Louisiana submitted a final complete program revision application seeking authorization of changes to its hazardous waste program that correspond to certain Federal rules promulgated on January 13, 2015, April 8, 2015 and April 17, 2015, RCRA Cluster XXIV (Checklists 233A, 233B, 233C, 233D2, 233E, 234 and 235), as well as state-initiated changes. The EPA has reviewed Louisiana's application to revise its authorized program and has made a tentative decision that it meets all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant LDEQ final authorization to operate its hazardous waste program with the changes described in the authorization application, except for federal provisions that were vacated from the January 13, 2015 final rule (Revisions to the Definition of Solid Waste (DSW)) by the United States Court of Appeals for the District of Columbia Circuit (*Am. Petroleum Inst.* v. *EPA,* 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst.* v. *EPA,* No. 09–1038 (D.C. Cir. Mar. 6, 2018).

LDEQ will continue to have responsibility for permitting treatment, storage, and disposal facilities within its borders, and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Louisiana, including issuing permits, until the State is granted authorization to do so.

C. What is the effect of this proposed authorization decision?

If Louisiana is authorized for these changes, a facility in Louisiana subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Additionally, such facilities will have to comply with any applicable federal requirements such as, for example, HSWA regulations issued by the EPA for which the State has not received authorization. LDEQ continues to have enforcement responsibilities under its State hazardous waste program for violations of such program, but the EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Conduct inspections, and require monitoring, tests, analyses, or reports;
- enforce RCRA requirements and suspend or revoke permits, and
- take enforcement actions after notice to and consultation with the State.

The action to approve these provisions would not impose additional requirements on the regulated community because the regulations for which LDEQ is requesting authorization are already effective under state law, and are not changed by the act of authorization.

D. What happens if the EPA receives comments on this action?

If the EPA receives comments on this proposed action, we will address those comments in our final action. You may not have another opportunity to comment. If you want to comment on this proposed authorization, you must do so at this time.

E. What has Louisiana previously been authorized?

The State of Louisiana initially received final authorization on February 7, 1985 (50 FR 3348), to implement its base Hazardous Waste Management Program. We granted authorization for changes to their program on November 28, 1989 (54 FR 48889), effective January 29, 1990; August 26, 1991 (56 FR 41958), as corrected October 15, 1991 (56 FR 51762), effective October 25, 1991; November 7, 1994 (59 FR 55368), effective January 23, 1995 (*Note:* On January 23, 1995 (60 FR 4380), the EPA responded to public adverse comments and affirmed the effective date for the November 7, 1994 final rule). Then on April 11, 1995 (60 FR 18360), the EPA also made administrative corrections for the January 23, 1995 **Federal Register** document; December 23, 1994 (59 FR 66200), effective March 8, 1995; October 17, 1995 (60 FR 53704), effective January 2, 1996; March 28, 1996 (61 FR 13777), effective June 11, 1996; December 29, 1997 (62 FR 67572), effective March 16, 1998; October 23, 1998 (63 FR 56830), effective December 22, 1998; August 25, 1999 (64 FR 46302), effective October 25, 1999; September 2, 1999 (64 FR 48099), effective November 1, 1999; February 28, 2000 (65 FR 10411), effective April 28, 2000; January 2, 2001 (66 FR 23), effective March 5, 2001; December 9, 2003 (68 FR 68526), effective February 9, 2004; June 10, 2005 (70 FR 33852), effective August 9, 2005; November 13, 2006 (71 FR 66116), effective January 12, 2007; August 16, 2007 (72 FR 45905), effective October 15, 2007; May 20, 2009 (74 FR 23645), effective July 20, 2009; June 24, 2011(76 FR 122), effective August 23, 2011; June 28, 2012 (77 FR 38530), effective August 27, 2012, September 14, 2015 (80 FR 55032), effective November 14, 2015 and July 13, 2017 (82 FR 32253) effective September 11, 2017. On March 13, 2018, LDEQ submitted a final program revision application seeking authorization of its program revision in accordance with 40 CFR 271.21.

Since 1979, through the Environmental Affairs Act, Act 449 enabled the Office of Environmental Affairs within the Louisiana Department of Natural Resources, as well as, the Environmental Control Commission to conduct an effective program designed to regulate those who generate, transport, treat, store, dispose or recycle hazardous waste. During the 1983 Regular Session of the Louisiana Legislature, Act 97 was adopted, which amended and reenacted La. R. S. 30:1051 *et seq.* as the Environmental Quality Act, renaming the Environmental Affairs Act (Act 1938 of 1979). This Act created Louisiana Department of Environmental Quality (LDEQ), including provisions for new offices within this new Department of Environmental Quality. Act 97 also transferred the duties and responsibilities previously delegated to the Department of Natural Resources, Office of Environmental Affairs to the new Department. The LDEQ has lead agency jurisdictional authority for administering the RCRA Subtitle C program in Louisiana. Also, the LDEQ is designated to facilitate communication between the EPA and the State. During the 1999 Regular Session of Louisiana Legislature, Act 303 revised the La. R. S. 30:2011 *et seq.,* allowing LDEQ to reengineer the Department to perform more efficiently and to meet its strategic goals.

It is the intention of the State, through this application, to demonstrate its equivalence and consistency with the federal statutory tests, which are outlined in the United States EPA regulatory requirements under 40 CFR 271 for final authorization. The submittal of this application is in

keeping with the spirit and intent of RCRA, which provides equivalent States the opportunity to apply for final delegation to operate all aspects of their hazardous waste management programs in lieu of the federal government. The Louisiana Environmental Quality Act authorizes the State's program, Subtitle II of Title 30 of the Louisiana Revised Statutes.

F. What changes is EPA proposing to authorize with today's action?

On March 13, 2018, the State of Louisiana submitted a final complete program revision application seeking authorization of their changes in accordance with 40 CFR 271.21. Louisiana's program revision application includes revisions to the federal hazardous waste program, as well as state-initiated changes to the state's previously authorized program.

The EPA proposes to authorize, subject to receipt of written comments that oppose this action that the State of Louisiana's hazardous waste program revisions are equivalent to, consistent with, and no less stringent than the federal program, and therefore satisfy all of the requirements necessary to qualify for final authorization.

1. Program Revision Changes for Federal Rules

The LDEQ program revisions consist of regulations which specifically govern federal hazardous waste revisions promulgated on January 13, 2015, April 8, 2015 and April 17, 2015 (RCRA Cluster XXIV; Checklists 233A, 233B, 233C, 233D2, 233E, 234 and 235). LDEQ's adoption of the January 13, 2015 final rule (80 FR 1694; Revisions to the Definition of Solid Waste (DSW)), includes provisions that have been vacated by the United States Court of Appeals for the District of Columbia Circuit (*Am. Petroleum Inst.* v. *EPA,* 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst.* v. *EPA,* No. 09–1038 (D.C. Cir. Mar. 6, 2018). The impact of the vacaturs on the Louisiana hazardous waste program is discussed in Section G of this document. We propose to grant Louisiana final authorization for the requirements which are listed in Table 1.

TABLE 1—PROGRAM REVISION CHANGES FOR FEDERAL RULES

Description of Federal requirement (include checklist No., if relevant)	**Federal Register** date and page (and/or RCRA statutory authority)	Analogous state authority
1. Revisions to the Definition of Solid Waste. (Checklist 233A).	80 FR 1694–1814 January 13, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Sections 33:V.105.O.2.c, 33:V.105.O.2.c.i–v, 33:V.105.K, 33:V.105.K.2.c–e, 33:V.105.Q, 33:V.105.Q.1, 33:V.105.Q.1.a–i and 33:V.105.Q.2, as amended June 20, 2017.
2. Revisions to the Definition of Solid Waste. (Checklist 233B).	80 FR 1694–1814 January 13, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Sections 33:V.109 contained, 33:V109. Hazardous secondary material, 33:V.R.1–2, 33:V.105.R.2.a–e, 33:V.105.R.3, 33:V.105.R.3.a–b, 33:V.105.R.4, 33:V.109.solid waste 2.c, 33:V.109.solid waste.2.d and .33:V.109.sham recycling, as amended June 20, 2017.
3. Revisions to the Definition of Solid Waste. (Checklist 233C).	80 FR 1694–1814 January 13, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Section 33:V.109.V.accumulated speculatively, as amended June 20, 2017.
4. Revisions to the Definition of Solid Waste. (Checklist 233D2).	80 FR 1694–1814 January 13, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Sections 33:V.109.facility, 33:V.109 Hazardous secondary material generator, 33:V.109 Intermediate facility, 33:V.109 Land-based unit, 33:V.109 Transfer facility, 33:V.105.O.1, 33: V.105.O.1.b, 33: V.105.O.1.d, 33: V.105.O.1.e, 33:V.105.O.1.b, 33:V.105.O.1.d, LAC 33:V.105.O.1.e, 33:V.105.K.2, 33: V.105.K.2.a, 33:V.105.K.3, 33:V.105.K.3.a , 33:V.105.K.3.b, 33:105.K.3.b.i–iv, 33:V.105.K.3.c, 33:V.105.K.3.c.i–v, 33:V.109.solid waste, 33:V.109.solid waste Table 1, 33:V.105.D.1.x, 33:V.105.D.1.x.i–ix, 33:V.105.D.1.y.vi.(f)—incorporate by reference 40 CFR part 261, subpart H (Financial Requirements for Management of Excluded Hazardous Secondary Materials), 33:V.105.D.1.y.vi.(e)—incorporate by reference 40 CFR part 261, subpart M (Emergency Preparedness and Response for Management of Excluded Hazardous Secondary Materials) and 33: V.322.A, as amended June 20, 2017.
5. Revisions to the Definition of Solid Waste. (Checklist 233E).	80 FR 1694–1814 80 FR January 13, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Sections 33:V.109. remanufacturing, 33:V.109.solid waste, and 33:V.105.D.1.z incorporate by reference 40 CFR 261.4(a)(27) and part 261, subparts I, J, AA, BB and CC, as amended June 20, 2017.
6. Response to Vacaturs of the Comparable Fuels Rule and Gasification Rule. (Checklist 234).	80 FR 18777–18780 April 8, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. Sections LAC 33:V.109.Gasification (Repealed), 33:V.105.D.1.l.i, 33: V.105.D.1.q (Reserved), as amended June 20, 2017.
7. Disposal of Coal Combustion Residuals from Electric Utilities. (Checklist 235).	80 FR 21302–21501 April 17, 2015.	Environmental Regulatory Code, Louisiana Department of Environmental Quality, ERC Title 33, Part V. Hazardous Waste and Hazardous Materials Subpart 1. LAC Sections 33:V.105.D.2.d.(i)–(ii), and 33:V.105.D.2.d.(ii)(a)–(h), as amended June 20, 2017.

2. State-Initiated Changes

In addition to adopting the federal program revisions discussed in Section F.1, LDEQ has made amendments to its regulations that are not directly related to any of the federal rules addressed in Item F.1. These changes are categorized as follows: (a) Changes to clarify previously authorized provisions; (b) re-designations and changes made to conform to the renumbering of state provisions, including corrections to internal references and other typographical errors; (c) new provisions added for equivalency to federal provisions; and (d) removal of provisions in order to clarify the state's regulations, or correct errors or duplications.

LDEQ submitted these state-initiated amendments under the requirements of 40 CFR 271.21(a) and included provisions from the Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Material, Louisiana Hazardous Waste Regulations (LHWR), as amended effective through January 20, 2018. The state's regulations, as amended by these provisions, provide authority which remains equivalent to, and no less stringent than the federal laws and regulations. The EPA has reviewed the state-initiated changes and have determined they satisfy the requirements of 40 CFR 271.21(a).

We are proposing to grant LDEQ final authorization to carry out the state's hazardous waste program, as amended by the state-initiated changes, in lieu of the federal program. In the Tables below, LDEQ provisions annotated with an asterisk are different from the Federal program; details are discussed in Section G. Unless otherwise indicated, the State provisions listed in the Tables in this section are analogous to the indicated RCRA regulations found at 40 CFR as of July 1, 2015. (Note: Some of the state provisions have no direct federal analog but are related to particular paragraphs, sections, or parts of the federal hazardous waste regulations.)

(a) Changes To Clarify Previously Authorized Provisions

The following state provisions contain state-initiated changes that clarify previously authorized provisions to ensure equivalency to the federal regulations or make the state's regulations more internally consistent.

TABLE 2a—CHANGES TO CLARIFY PREVIOUSLY AUTHORIZED PROVISIONS TO ENSURE CONSISTENCY AND EQUIVALENCY

State requirement	Analogous Federal requirement
309.L.8	270.30(L)(7).
705.B introductory paragraph *	124.15(b) introductory paragraph.
1103 introductory paragraph	262.11 introductory paragraph.
1107.B.1.b	262, Appendix, Items 6 and 7.
1515.A.4	264.16(a) related.
1516.B.5	264.71(a)(3).
1516.B.2.d	264.71(b)(4).
3301.G	264.90(f).
3511.C.2.c and .d	264.112(c)(2)(iii) and (iv).
4037.A introductory paragraph	279.46(a) introductory paragraph.
4053.A introductory paragraph	279.56(a) introductory paragraph.
4053.B introductory paragraph	279.56(b) introductory paragraph.
4071.A introductory paragraph	279.65(a) introductory paragraph.
4085.A introductory paragraph	279.74(a) introductory paragraph.
4105.A.1 a	261.6(a)(3)(i).
4407.A.12	265.145(a)(12).
4501.D introductory paragraph	265.310(d) introductory paragraph.

(b) Redesignations, Revisions to Internal References and Correction of Typographical Errors

The following state provisions contain state-initiated changes made to conform to the renumbering of state provisions, including corrections to internal references and the redesignation of existing provisions to correct provisions' numbering in keeping with the numbering scheme of Louisiana's regulations. Except for the changes at 108.F.4, 108.F.6, 108.G4 and 108.G.6, the changes were made without affecting the stringency of the state's currently authorized program.

TABLE 2b—REDESIGNATIONS AND CORRECTIONS TO INTERNAL REFERENCES AND OTHER ERRORS

State requirement	Analogous Federal requirement
108.F.4 * and F.6 *	261.5(f) related.
108.G.4 * and G.6 *	261.5(g) related.
517.T.4.c.i	270.14(c)(4)(i).
1103.D [was 1103.C]	262.11(d).
1903.C and .D [were 1903.B.5.c and .d]	264.191(c) and (d).
1109.E.1.a.i	262.34(a)(1)(i).
1109.E.7.a	262.34(d)(2).
1109.E.12	262.34(i).
1529.E introductory paragraph	264.77 introductory paragraph.
1751.C.4.b	264.1082(c)(4)(ii).
1901.E	262.34(a)(1)(ii) related.
2203.A "Inorganic metal bearing waste"	268.2(j).
2207.C introductory paragraph	268.3(c).
2209.C	268.30(c).
2211.C	268.31(a)(1), 268.31(c).
2216.D	268.34.

TABLE 2b—REDESIGNATIONS AND CORRECTIONS TO INTERNAL REFERENCES AND OTHER ERRORS—Continued

State requirement	Analogous Federal requirement
2221.E.3	268.38.
2221.F.5	268.39(e)–(g).
2299, Table 2, Footnote 11	268 related, No direct federal analog.
2299, Table 11	268, Appendix VII, Table 1.
3001.B.2.e	266.100(b)(2)(v).
3203 introductory paragraph	264.601 introductory paragraph.
4301.C [was 4301.B]	265.1(b).
4301.D–D.13.d [was 4301.C–C.13.d]	265.1(c)–265.1(c)(14)(iv).
4301.D.13.e and (f) [was 4301.C.13.f and (f)]	265.1(c)(14) related; No direct Federal analog.
4301.E–.G [were 4301.D–.F]	270.70(a) and (c).
4301.H [was 4301.G]	265.1(d).
4301.I [was 4301.H]	270.70(b).
4301.J [was 4301.I]	265.1(f).
4399.A.9 [was 4399.A.8]	265.141(h).
4513.B.2	265.340(b)(3).

(c) New State Provisions Added for Equivalency to Federal Provisions

LDEQ has adopted the following provisions in order to be equivalent to federal regulations. These state provisions had either not been previously adopted by the state, incorrectly adopted, or had been inadvertently removed from the state's regulations.

TABLE 2c—STATE PROVISIONS ADDED FOR EQUIVALENCY

State requirement	Analogous Federal requirement
1103.C	262.11(b).
1109.E.1.a.iv.(b)	262.34(a)(1)(iv)(B).
1516.B.6	264.71(e).
1907.G.2.d	264.193(g)(2)(iv).
2245.L	268.7(a)(10).
4301.B	270.70(a).
4399.A.8	265.141(f) "current plugging and abandonment cost estimate".
4501.D.3	265.340(b)(2).

(d) Removal of Provisions To Clarify State Regulations or Correct Errors

LDEQ has removed the following provisions in order to clarify the state's regulations because they were not part of the authorized program, or correct errors or duplications, making the state regulations more internally consistent and more consistent with federal. The removed provisions can be found in Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Louisiana Hazardous Waste Regulations (LHWR), as amended effective through April 2016.

TABLE 2d—STATE PROVISIONS THAT HAVE BEEN REMOVED

State requirement	Analogous Federal requirement
537.B.2.f	270.66 related; No federal analog *[not part of authorized program]*.
537.B.2.l	270.66 related; No federal analog *[not part of authorized program]*.
1516.B.5.a and b	264.71(e) *[unnecessary or incomplete duplicate]*.
2201.G.3	268.1 related *[not part of authorized program]*.
2203.A "Treatment"	268.2 related, no analog in Part 268 *[not part of authorized program]*.
2221.A & .B	268.13 related *[not part of authorized program]*.
2227.B	268.42(b) *[non-delegable; not part of authorized program]*.
2231.A and .B	268.44(a) and (b) *[non-delegable; not part of authorized program]*.
2231.C and .D	268.44(d) and (e) *[non-delegable; not part of authorized program]*.
2231.E and .F	268.44(f)–(g) *[non-delegable; not part of authorized program]*.
2239	268.5 *[non-delegable; not part of authorized program]*.
2241	268.6 *[non-delegable; not part of authorized program]*.
2299, Table 4	268 related, No direct federal analog *[not part of authorized program]*.
2299, Table 12	268, Appendix XI *[unnecessary or incomplete duplicate]*.
3511.C.5	264.112(c)(2)(iv) *[unnecessary or incomplete duplicate]*.
4301.C	265.1(b) & (c) related; 270.70(a) related *[unnecessary or incomplete duplicate]*.
4301.C.14	265.1(f) *[unnecessary or incomplete duplicate]*.
4399.A.6.i "current plugging and abandonment cost estimate"	265.141(f) "current plugging and abandonment cost estimate" *[unnecessary or incomplete duplicate]*.
4399.A.7 "current plugging and abandonment costs"	265.141(f) "current plugging and abandonment cost estimate" *[unnecessary or incomplete duplicate]*.

TABLE 2d—STATE PROVISIONS THAT HAVE BEEN REMOVED—Continued

State requirement	Analogous Federal requirement
4999, Appendix F	265.73 related, No direct federal analog *[not part of authorized program]*.

G. Where are the revised state rules different from the Federal rules?

1. Evaluation and Analysis on When State Regulations Are More Stringent or Broader in Scope Than the Federal Regulations

Under 40 CFR 271.1(i), EPA allows states to (1) adopt and enforce requirements which are more stringent or more extensive than those required by the federal RCRA program, and (2) operate a program with a greater scope of coverage than that required by the federal program. To determine whether particular state provisions are more stringent or broader in scope, EPA uses the December 23, 2014 guidance document: ''Determining Whether State Hazardous Waste Requirements are More Stringent or Broader in Scope than the Federal RCRA Program.'' In the guidance document, EPA uses a two-part test to determine if state regulations are MS or BIS. The two-part test requires that the following questions be answered sequentially:

a. Does imposition of the particular state requirement increase the size of the regulated community or universe of wastes beyond what is covered by the federal program through either directly enforceable requirements or certain conditions for exclusion?

b. Does the particular requirement under review have a counterpart in the federal regulatory program?

If the answer to the first part of the test is yes, then the state requirement is generally considered broader in scope. If the answer is no, then EPA uses the second part of the test to determine whether the state requirement is more stringent or broader in scope. If the state requirement has a counterpart in the federal program, the state requirement is classified as more stringent. However, if the state requirement does not have a counterpart, it is classified as broader in scope.

State provisions that are broader in scope are not part of the federally authorized program and thus, are not federally enforceable.

2. Louisiana Requirements That Are Broader in Scope Than the Federal Program

LDEQ has adopted the Revisions to the Definition of Solid Waste (DSW) Rule published on January 13, 2015 (80 FR 1694). However, the Court of Appeals for the District of Columbia Circuit, *Am. Petroleum Inst.* v. *EPA,* 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst.* v. *EPA,* 883F.3d 918 (D.C. Cir. 2018) vacated certain aspects of the 2015 federal DSW rule and replaced them with provisions from the 2008 DSW rule, see 73 FR 64668 (October 30, 2008). The Court (1) vacated the federal 2015 verified recycler exclusion for hazardous waste that is recycled off-site (except for certain provisions) (40 CFR 261.4(a)(24)) and the associated provisions at 40 CFR 260.30(f) and 260.31(d); (2) reinstated the transfer-based exclusion at 261.4(a)(24) and (25) from the 2008 rule to replace the now vacated 2015 verified recycler exclusion; (3) vacated Factor 4 of the 2015 definition of legitimate recycling in its entirety (40 CFR 260.43(a)(4)); and (4) reinstated the 2008 version of Factor 4 at 40 CFR 260.43(c)(2) to replace the now-vacated 2015 version of Factor 4.

In order to determine whether the State of Louisiana regulations are more stringent or broader in scope than the federal RCRA program, the EPA used the two-part test described in Section G.1. With respect to the first test, Louisiana regulates the same size of the regulated community and the same universe of hazardous secondary materials as the federal RCRA program. With respect to the second test, EPA has determined that the following State of Louisiana provisions from the 2015 federal DSW rule are broader in scope: Louisiana Administrative Code (LAC), Title 33, Part V, sections 105.O.1.f [260.30(f)], 105.O.2.d [260.31(d)], 105.D.1.y [261.4(a)(24)] with respect to the verified recycler exclusion and 105.R.5 [260.43(a)(4)] with respect to Factor 4 definition of legitimate recycling.

Due to the vacatur of certain 2015 federal DSW provisions and the reinstatement of 2008 federal DSW provisions, EPA's regulations do not include the provisions that were vacated by the Court.[a] Louisiana has adopted these vacated provisions, including the vacated 2015 DSW Factor 4 in the definition of legitimate recycling of hazardous secondary material and the verified recycler exclusion.[b] As a result of the federal vacatur, the Louisiana provisions at LAC:33.V.105.O.1.f, 105.O.2.d, 105.D.1.y and 105.R.5 have no direct analogs in the federal regulations. December 23, 2014 guidance supports this conclusion. On page 6, EPA gives this example ''. . . Further, if a state adopts a federal solid or hazardous waste exclusion, but adds additional conditions that must be met for the state exclusion to apply, those additional conditions would be considered outside the scope of the federal program and would not be part of the federally authorized program, although the entity would still be subject to federal enforcement regarding the part of the state regulations which track the federal conditions.'' Following the vacatur of portions of the federal rules, Louisiana's program effectively contains additional conditions that must be met for the exclusion to apply. This makes the State's additional provisions broader in scope and not part of the federally authorized program, see 40 CFR part 271.1(i)(2).

The LDEQ provisions that are broader in scope than the federal regulations are not part of the program being proposed to be authorized by today's action. EPA cannot enforce requirements that are broader in scope, although compliance with such provisions is required by Louisiana law. For the purposes of RCRA section 3009, the Agency has determined that the broader in scope provisions are more protective/stricter, thus being within the State's authority to maintain them as part of the State's RCRA program. We make this determination due to the fact that the broader in scope provisions in Louisiana's verified recycler exclusion require additional conditions to be met in order to qualify for the exclusion when compared to the reinstated transfer based exclusion found in 83 FR 24664 (May 30, 2018).

3. Louisiana Requirements That Are More Stringent Than the Federal Program

Louisiana's regulations contain certain provisions that are more

[a] EPA issued a final rule referred to as the Transfer Base Exclusion reflecting the Court's ruling, see 83 FR 24664 (May 30, 2018).

[b] The **Federal Register** citation for the ''2015 DSW rule'' is 80 FR 1694, January 13, 2015, and for the ''2008 DSW rule'' is 73 FR 64668, October 30, 2008.

stringent than is required by the RCRA program. At LAC 33:V.108.F.4 and 108.F.6, LDEQ requires that in order to be excluded from full regulation, conditionally-exempt small quantity generators who generate acute hazardous waste in quantities less than or equal to the specified quantity limitations must comply with the listed notification, EPA ID number, and container labeling requirements. LDEQ also has the same requirements at LAC 33:V.108.G.4 and 108.G.6 for conditionally-exempt small quantity generators who do not exceed the quantity limitation of 100 kg of hazardous waste. The federal regulations do not include such notification, EPA ID, and labeling requirements at 40 CFR 261.5(f) and (g). These provisions clearly meet the test for regulations that are more stringent than the federal requirements. This finding is consistent with *United States* v. *Southern Union,* 630 F.3d 17 (1st Cir. 2010) and the December 23, 2014 guidance on page 5 where it states '' For example, a state that does not recognize the CESQG or small quantity generators (SQG) categories, or that imposes additional requirements on CESQGs or SQGs, is not increasing the size of the regulated community, since these generators are managing wastes that are regulated as hazardous at the federal level. CESQGs and SQGs are subject to regulation under the federal program in 40 CFR 261.5 and 40 CFR part 262, respectively. While the requirements imposed on these entities are not as extensive as those for large quantity generators (LQGs), CESQGs and SQGs are regulated entities under the federal program.'' Also see page 7 of the 2014 guidance, where EPA further states that these additional requirements are considered more stringent because they cover the same universe of waste handlers as the EPA rules.

4. Revisions to State Procedural Provisions

LDEQ has revised the introductory paragraph of LAC 33:V.705.B to allow a final permit decision, or a decision to deny a permit for the active life of a hazardous waste management facility, to become effective upon issuance rather than 30 days after the service of notice of the decision (as found in 40 CFR 124.15(b) introductory paragraph). Under 40 CFR 271.14, states are not required to adopt 40 CFR 124.15; therefore, changes to this state procedural provision do not impact LDEQ's authorized program.

H. Who handles permits after the final authorization takes effect?

The State of Louisiana will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. EPA will not issue new permits or new portions of permits for the provisions listed in Table 1 in this document after the effective date of this authorization.

The EPA will continue to implement and issue permits for HSWA requirements for which LDEQ is not yet authorized.

I. How does today's action affect Indian Country (18 U.S.C. 1151) in Louisiana?

LDEQ is not authorized to carry out its Hazardous Waste Program in Indian Country within the State. This authority remains with EPA. Therefore, this action has no effect in Indian Country.

J. What is codification and is the EPA codifying Louisiana's hazardous waste program as authorized in this rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the CFR. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272 subpart T for this authorization of Louisiana's program changes until a later date. In this authorization application, the EPA is not codifying the rules documented in this **Federal Register** notice.

K. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action (RCRA State Authorization) from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Therefore, this action is not subject to review by OMB. This action proposes to authorize State requirements pursuant to RCRA 3006, and imposes no additional requirements beyond those imposed by State law. Because this proposed rule is not subject to Executive Order 12866, this proposed rule is not subject to Executive Order 13771 (82 FR 9339, February 3, 2017), entitled Reducing Regulations and Controlling Regulatory Costs. Accordingly, this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action proposes to authorize pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it 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). For the same reason, this proposed action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to authorize State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA.

This proposed action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This proposed rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the proposed rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated

Takings'' issued under the Executive Order. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule authorizes pre-existing State rules which are at least equivalent to, and no less stringent than existing federal requirements, and impose no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the proposed rule is not subject to Executive Order 12898.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 28, 2018.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2018–19195 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R10–RCRA–2018–0298; FRL–9983–15—Region 10]

Idaho: Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Idaho has applied to the EPA for authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The EPA has reviewed Idaho's application and has determined that these changes satisfy all requirements needed to qualify for final authorization and is proposing to authorize the State's changes. The EPA seeks public comment prior to taking final action.

DATES: Comments on this proposed action must be received on or before October 5, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2018–0298 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: mccullough.barbara@epa.gov.*
- *Mail:* Barbara McCullough, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 155, Mail Stop OAW–150, Seattle, Washington 98101.
- *Hand Delivery:* Barbara McCullough, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 155, Mail Stop OAW–150, Seattle, Washington 98101. Such deliveries are only accepted during the normal business hours of operation; special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–RCRA–2018–0298. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment through *www.regulations.gov,* the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *www.epa.gov/dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Region 10 Library, 1200 Sixth Avenue, First Floor Lobby, Seattle, Washington 98101. The EPA Region 10 Library is open from 9:00 a.m. to noon, and 1:00 to 4:00 p.m. PST Monday through Friday, excluding legal holidays. The EPA Region 10 Library telephone number is (206) 553–1289.

FOR FURTHER INFORMATION CONTACT: Barbara McCullough, U.S. EPA, Region 10, 1200 Sixth Avenue, Suite 155, Mail Stop OAW–150, Seattle, Washington 98101, email: *mccullough.barbara@epa.gov* or phone number (206) 553–2416.

SUPPLEMENTARY INFORMATION:

I. Proposed Authorization Revision

A. Why are revisions to state programs necessary?

States that have received final authorization from the EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask the EPA to authorize their changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations codified in Title 40 of the Code of Federal Regulations (CFR) Parts 124, 260 through 268, 270, 273, and 279.

B. What decisions have we made in this proposed rule?

The EPA has determined that Idaho's application to revise its authorized program meets the statutory and

regulatory requirements established by RCRA. Therefore, we propose to grant Idaho final authorization to operate its hazardous waste management program with the changes described in the authorization application. Idaho will continue to have responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates under the authority of HSWA, and which are not less stringent than existing requirements, take effect in authorized States before the States are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Idaho, including issuing permits, until Idaho is granted authorization to do so.

C. What is the effect of this proposed authorization decision?

If Idaho is authorized for these changes, a facility in Idaho subject to RCRA will have to comply with the authorized State requirements in lieu of the corresponding Federal requirements to comply with RCRA. Additionally, such facilities will have to comply with any applicable Federal requirements, such as HSWA regulations issued by the EPA for which the State has not received authorization and RCRA requirements that are not supplanted by authorized State requirements. Idaho continues to have enforcement authorities and responsibilities under its State hazardous waste management program for violations of its program. However, the EPA retains authority under RCRA sections 3007, 3008, 3013, and 7003, which includes, among others, the authority to:

- Conduct inspections, which may include but is not limited to requiring monitoring, tests, analyses, and/or reports;
- Enforce RCRA requirements, which may include but is not limited to suspending, terminating, modifying, and/or revoking permits; and
- Take enforcement actions regardless of whether Idaho has taken its own actions.

The action to approve these revisions will not impose additional requirements on the regulated community because the regulations for which Idaho is requesting authorization are already effective under State law and are not changed by the act of authorization.

D. What happens if the EPA receives comments on this action?

If the EPA receives comments on this action, we will address those comments in a later final action. You may not have another opportunity to comment. If you want to comment on this proposed authorization, you should do so at this time.

E. What has Idaho previously been authorized for?

Idaho initially received final authorization for its hazardous waste management program effective April 9, 1990 (55 FR 11015, March 26, 1990). Subsequently, the EPA authorized revisions to the State's program effective June 5, 1992 (57 FR 11580, April 6, 1992), August 10, 1992 (57 FR 24757, June 11, 1992), June 11, 1995 (60 FR 18549, April 12, 1995), January 19, 1999 (63 FR 56086, October 21, 1998), July 1, 2002 (67 FR 44069, July 1, 2002), March 10, 2004 (69 FR 11322, March 10, 2004), July 22, 2005 (70 FR 42273, July 22, 2005), February 26, 2007 (72 FR 8283, February 26, 2007), December 23, 2008 (73 FR 78647, December 23, 2008), July 11, 2012 (77 FR 34229, June 11, 2012) and September 21, 2015 (80 FR 20726, August 20, 2015).

F. What changes are we proposing to authorize?

On March 29, 2018, Idaho submitted a program revision application to the EPA requesting authorization for all delegable Federal hazardous waste regulations codified as of July 1, 2016, incorporated by reference in IDAPA 58.01.05.000 *et seq.,* which were adopted and effective in the State of Idaho on March 29, 2017. This authorization revision request includes the following federal rules for which Idaho is being authorized for the first time: Conditional Exclusions from Solid and Hazardous Waste for Solvent Contaminated Wipes (78 FR 46448, July 31, 2013); Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration Activities (79 FR 350, January 3, 2014); Modification of the Hazardous Waste Manifest System—Electronic Manifests (79 FR 7518, February 7, 2014); Identification and Listing of Hazardous Waste—CFR Correction (79 FR 35290, June 20, 2014); Revisions to the Export Provisions of Cathode Ray Tube Rule (79 FR 36220, June 26, 2014); Definition of Solid Waste (80 FR 1694, January 13, 2015); Response to Vacaturs of the Comparable Fuels Rule and the Gasification Rule (80 FR 18777, April 8, 2015); Disposal of Coal Combustion Residuals from Electric Utilities (80 FR 21302, April 17, 2015); Disposal of Coal Combustion Residuals from Electric Utilities—Correction of the Effective Date (80 FR 37988, July 2, 2015); and Transboundary Shipments of Hazardous Wastes Between OECD Member Countries—Revisions to the List of OECD Member Countries (80 FR 37992, July 2, 2015).

The EPA proposes to authorize Idaho's revised hazardous waste program in its entirety through July 1, 2016, as described above. The EPA seeks public comment prior to taking final action.

G. Where are the revised State rules different from the Federal rules?

Under RCRA section 3009, the EPA may not authorize State law that is less stringent than the Federal program. Any State law that is less stringent does not supplant the Federal regulations. State law that is broader in scope than the Federal program requirements is not authorized. State law that is equivalent to, and State law that is more stringent than, the Federal program may be authorized, in which case those provisions are enforceable by the EPA. This section discusses certain rules in this proposed action where the EPA has made the finding that Idaho's program is broader in scope, and discusses certain portions of the Federal program that are not delegable to the State because of the Federal government's special role in foreign policy matters and because of national concerns that arise with certain decisions.

Idaho is currently broader in scope than the Federal program in its adoption of 40 CFR 260.43 (2015) and 40 CFR 261.4(a)(24) (2015) at IDAPA 58.01.05.004 and 58.01.05.005. Both of these regulations include provisions from the 2015 Definition of Solid Waste (DSW) Rule that have been vacated and replaced with the less stringent requirements found at 40 CFR 260.43 (2018) and 40 CFR 261.4(a)(24) and (25) (2018), which were reinstated from the 2008 DSW Rule. Idaho will be revising its regulations to include this update as required by the vacatur to be equivalent to the Federal program.

The EPA cannot delegate certain Federal requirements associated with the following rules: Modification of the Hazardous Waste Manifest System—Electronic Manifests (79 FR 7518, February 7, 2014), Revisions to the Export Provisions of Cathode Ray Tube Rule (79 FR 36220, June 26, 2014), and Transboundary Shipments of Hazardous Wastes Between OECD Member Countries—Revisions to the List of OECD Member Countries (80 FR 37992, July 2, 2015). Idaho has adopted these requirements and appropriately

preserved EPA's authority to implement them.

H. Who handles permits after the authorization takes effect?

Idaho will continue to issue permits for all the provisions for which it is authorized and will administer the permits it issues. If the EPA issued permits prior to authorizing Idaho for these revisions, these permits would continue in force until the effective date of the State's issuance or denial of a State hazardous waste permit, at which time the EPA would modify the existing EPA permit to expire at an earlier date, terminate the existing EPA permit for cause, or allow the existing EPA permit to otherwise expire by its terms, except for those facilities located in Indian country. The EPA will not issue new permits or new portions of permits for provisions for which Idaho is authorized. The EPA will continue to implement and issue permits for HSWA requirements for which Idaho is not authorized.

I. How does this action affect Indian country (18 U.S.C. 1151) in Idaho?

Idaho is not authorized to carry out its hazardous waste program in Indian country, as defined in 18 U.S.C. 1151. Indian country includes:

1. All lands within the exterior boundaries of Indian reservations within or abutting the State of Idaho;
2. Any land held in trust by the U.S. for an Indian tribe; and
3. Any other land, whether on or off an Indian reservation, that qualifies as Indian country. Therefore, this program revision does not extend to Indian country where the EPA will continue to implement and administer the RCRA program.

II. Statutory and Executive Order Reviews

This action proposes to revise the State of Idaho's authorized hazardous waste management program pursuant to section 3006 of RCRA and imposes no requirements other than those currently imposed by State law. This authorization complies with applicable executive orders and statutory provisions as follows:

A. Executive Order 12866

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), Federal agencies must determine whether the regulatory action is ''significant'', and therefore subject to OMB review and the requirements of the E.O. The E.O. defines ''significant regulatory action'' as one that is likely to result in a rule that may: (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 the E.O. The EPA has determined that this proposed authorization is not a ''significant regulatory action'' under the terms of E.O. 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* because this proposed authorization does not establish or modify any information or recordkeeping requirements for the regulated community and only seeks to propose authorization for the pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing, and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in title 40 of the CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed authorization on small entities, small entity is defined as: (1) A small business defined by the Small Business Administration's size regulations at 13 CFR part 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. I certify that this proposed authorization will not have a significant economic impact on a substantial number of small entities because the proposed authorization will only have the effect of authorizing pre-existing requirements under State law and imposes no additional requirements beyond those imposed by State law.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA 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, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, Section 205 of the UMRA generally requires the EPA 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. The provisions of Section 205 do not apply when they are inconsistent with applicable law. Moreover, Section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the rule an explanation why the alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small

governments, including tribal governments, it must have developed under Section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. This proposed authorization contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for state, local, or tribal governments or the private sector. It proposes to impose no new enforceable duty on any state, local or tribal governments or the private sector. Similarly, the EPA has also determined that this proposed authorization contains no regulatory requirements that might significantly or uniquely affect small government entities. Thus, this proposed authorization is not subject to the requirements of Sections 202 and 203 of the UMRA.

E. Executive Order 13132: Federalism

This proposed authorization does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government, as specified in E.O. 13132 (64 FR 43255, August 10, 1999). This document proposes to authorize pre-existing State rules. Thus, E.O. 13132 does not apply to this proposed authorization.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (59 FR 22951, November 9, 2000), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed authorization does not have tribal implications, as specified in E.O. 13175 because the EPA retains its authority over Indian Country. Thus, E.O. 13175 does not apply to this proposed authorization.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under Section 5–501 of the E.O. has the potential to influence the regulation. This action is not subject to E.O. 13045 because it proposes to approve a state program.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed authorization is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under E.O. 12866, as discussed in detail above.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), (Pub. L. 104–113, 12(d)) (15 U.S.C. 272), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Federal agency decides not to use available and applicable voluntary consensus standards. This proposed authorization does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA has determined that this proposed authorization will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This proposed authorization does not affect the level of protection provided to human health or the environment because this document proposes to authorize pre-existing State rules which are equivalent to and no less stringent than existing Federal requirements.

K. The Congressional Review Act, 5 U.S.C. 801–808

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians—lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority

This proposed action is issued under the authority of sections 1006, 2002(a), 3006, and 3024 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6905, 6912(a), 6926, and 6939g.

Dated: August 22, 2018.

Chris Hladick,

Regional Administrator, EPA Region 10.

[FR Doc. 2018–19259 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 7

[FAR Case 2017–017; Docket No. 2017–0017, Sequence No. 1]

RIN 9000–AN63

Federal Acquisition Regulation: Rental Cost Analysis in Equipment Acquisitions

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to clarify the term ''lease.''

DATES: Interested parties should submit comments to the Regulatory Secretariat Division at one of the addresses shown below on or before November 5, 2018 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments in response to FAR Case 2017–017 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''FAR Case 2017–017'' under the heading ''Enter Keyword or ID'' and selecting ''Search.'' Select the link ''Comment Now'' that corresponds with ''FAR Case 2017–017.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''FAR Case 2017–017'' on your attached document.
- *Mail:* General Services Administration, Regulatory-Secretariat Division (MVCB), ATTN: Lois Mandell, 1800 F Street NW, 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite ''FAR case 2017–017'' in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite ''FAR Case 2017–017.''

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA, and NASA are proposing to amend the FAR to clarify, in FAR subpart 7.4, Equipment Lease or Purchase, that the term ''lease,'' as used in the subpart, includes the ''rental'' of equipment. This change clarifies that agencies should be evaluating comparative costs and other factors when considering whether to lease or rent equipment versus purchase equipment. The rule also adds a helpful link to a GSA site that provides additional guidance on renting and leasing equipment and updates the GSA office from which agencies may request information when making lease or purchase decisions. In addition, weblinks have been added to the rule for Office of Management and Budget (OMB) guidance for lease-purchase analysis, see Special Guidance for Lease-purchase Analysis (Section 13 of (OMB) Circular A–94, also see 8.c.(2)); and OMB Circular A–11 Appendix B Budgetary Treatment of Lease-Purchases and Leases of Capital Assets.

II. Discussion and Analysis

This rule proposes to amend FAR subpart 7.4, as follows:

- Adding language to the scope of the subpart to clarify that the term ''lease'', as used in the subpart, applies to both the lease and rental of equipment, and to identify some general factors that may vary when leasing or renting equipment.
- Adding a GSA website that provides information that could assist the contracting officer in making equipment lease or purchase decisions, and updating the GSA office to contact when an agency requests assistance with the lease versus purchase analysis decision. In addition, weblinks have been added to the rule for OMB guidance for lease-purchase analysis.

III. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule amends the FAR to clarify that although the term ''lease'' applies to both the lease and rental of equipment, there are some differences between renting and leasing in many industries, and there is no standard distinction between both renting and leasing that spans across all industries. This case does not add any new provisions or clauses or impact any existing provisions or clauses.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This rule is not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12866.

VI. Regulatory Flexibility Act

DoD, GSA, and NASA do not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act codified at 5 U.S.C. 601 *et seq.* However, an Initial Regulatory Flexibility Analysis (IRFA) has been performed and is summarized as follows:

DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to clarify, in FAR subpart 7.4, that the term ''lease'' includes the ''rental'' of equipment. This change clarifies that agencies should be evaluating comparative costs and other factors when considering whether to lease or rent equipment versus purchase equipment.

The objective of the rule is to ensure the value of rental agreements are included in the decision on whether to lease or purchase equipment. The legal basis for the FAR is 40 U.S.C. 121(c), 10 U.S.C. chapter 137, and 51 U.S.C. 20113.

Based on Fiscal Year 2016 data from the Federal Procurement Data System, the Government issued approximately 34,925 contract actions for the rent/lease or purchase of equipment. Of the 34,925 contract actions, approximately 20,100 awards were made to 6,670 unique small business entities. The average award to small businesses was valued at approximately $700,000.

This rule does not impose any new reporting, recordkeeping or other compliance requirements. The rule does not duplicate,

overlap, or conflict with any other Federal rules. There are no known significant alternative approaches to the proposed rule that would meet the applicable requirement.

The Regulatory Secretariat Division has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2017–017) in correspondence.

VII. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 7

Government procurement.

Dated: August 30, 2018.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR part 7 as set forth below:

PART 7—ACQUISITION PLANNING

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

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Revise section 7.400 to read as follows:

§ 7.400 Scope of subpart.

This subpart provides guidance pertaining to the decision to acquire equipment by lease or purchase. It applies to both the initial acquisition of equipment and the renewal or extension of existing equipment leases. The term ''lease'', as used in this subpart, applies to both the lease and rental of equipment. While there are some differences between renting and leasing in many industries, there is no standard distinction between both renting and leasing that spans across all industries. Rental agreements are typically for shorter periods of time than lease agreements. Additionally, maintenance requirements and financial terms (*e.g.,* fees or payment terms) differ between a lease and a rental agreement.

§ 7.401 [Amended]

■ 2. Amend section 7.401 by removing from paragraph (a)(3) ''rental payments'' and adding ''lease, or other periodic payments, however described,'' in its place.

■ 3. Amend section 7.403 by revising the section heading and paragraph (b), and adding paragraph (c) to read as follows:

§ 7.403 General Services Administration assistance and OMB Guidance.

* * * * *

(b) Agencies may request information from the following GSA office: GSA FAS National Customer Service Center by phone at 1–800–488–3111 or by email at *ncsccustomer.service@gsa.gov.* Additional information to assist with deciding whether to purchase or lease equipment is available at *https://www.gsa.gov/acquisition/purchasing-programs/gsa-schedules/list-of-gsa-schedules/schedule-51-vhardware-superstore/equipment-rental-and-leasing.*

(c) See Special Guidance for Lease-purchase Analysis (Section 13 of OMB Circular A–94, also see 8.c.(2)) at *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A94/a094.pdf* and OMB Circular A–11 Appendix B Budgetary Treatment of Lease-Purchases and Leases of Capital Assets at *https://www.whitehouse.gov/wp-content/uploads/2018/06/app_b.pdf.*

[FR Doc. 2018–19177 Filed 9–4–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2015–0019; 4500090024]

RIN 1018–BC78

Endangered and Threatened Wildlife and Plants; Reclassifying the Golden Conure From Endangered to Threatened With a Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to delist or downlist the golden conure under the Endangered Species Act of 1973, as amended (Act). The golden conure is a psittacine bird (parrots, parakeets, macaws, cockatoos, and others) endemic to the south Amazon Basin in Brazil. After review of the best available scientific and commercial information, we find that listing the golden conure as a threatened species is warranted. Accordingly, we propose to list it as a threatened species with a rule issued under section 4(d) of the Act. If we finalize this rule as proposed, it would reclassify the golden conure from endangered to threatened on the List of Endangered and Threatened Wildlife (List). Additionally, we are proposing to update the List to reflect the latest scientifically accepted taxonomy and nomenclature for the species as *Guaruba guarouba,* golden conure.

DATES: We will accept comments received or postmarked on or before November 5, 2018. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by October 22, 2018.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–HQ–ES–2015–0019, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–HQ–ES–2015–0019; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments,* below, for more information).

FOR FURTHER INFORMATION CONTACT: Don Morgan, Chief, Branch of Delisting and Foreign Species, Ecological Services, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone, 703–358–2171. If you use a telecommunications device

for the deaf (TDD), call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments and information from other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) Reasons why we should or should not reclassify the golden conure from an endangered species to a threatened species under the Act (16 U.S.C. 1531 *et seq.*).

(2) The golden conure's biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(3) Factors that may affect the continued existence of the species, which may include:

(a) Habitat modification or destruction (*e.g.,* information regarding future rates of deforestation or other forms of habitat loss or degradation within the known range of the golden conure);

(b) Overutilization, including information regarding illegal collection and trade;

(c) Disease or predation;

(d) The inadequacy of existing regulatory mechanisms; or

(e) Other natural or manmade factors affecting the species' continued existence.

(4) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species and existing regulations that may be addressing those threats.

(5) Information on the locations of any additional or newly discovered populations of this species. See Appendix B in the species status assessment report (SSA) for a list of known localities used by the golden conure (available under Docket No. FWS–HQ–ES–2015–0019 on *http://www.regulations.gov*.

(6) Information on the number of captive-bred golden conures in Brazil.

(7) Information regarding current or future rates of deforestation in the Brazilian Amazon as they may correlate to current or projected gross domestic product (GDP) in that country.

(8) The appropriateness of the conservation measures proposed under section 4(d) of the Act, including those that would allow the import and export of certain golden conures into and from the United States and certain acts in interstate commerce without a permit under the Act.

Please include sufficient information with your submission (such as electronic copies of scientific journal articles or other publications, preferably in English) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Headquarters Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5)(E) of the Act provides for a public hearing on this proposal, if requested within 45 days of the date of publication of this proposed rule. Requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT** and received by the date specified in **DATES**.

Peer Review

The purpose of peer review is to ensure that our reclassification determination is based on scientifically sound data, assumptions, and analyses. In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought the expert opinions of five appropriate specialists regarding the SSA report that informed this proposed rule. The peer reviewers have expertise in (1) the life history of the golden conure, (2) birds of the Amazon, and (3) the effects of habitat degradation and deforestation on Amazonian birds. We received responses from four of the five peer reviewers, which we took into account in our SSA and this proposed rule. Their comments and suggestions can be found online at *https://www.fws.gov/endangered/improving_ESA/peer_review_process.html.* We invite any additional comments from the peer reviewers on the proposed rule during the public comment period on this proposed rule (see **DATES**, above); all comments received from peer reviewers will be available, along with other public comments, in the docket for this proposed rule at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2015–0019.

Previous Federal Actions

On May 22, 1975, the Fund for Animals, Inc., petitioned us to list 216 taxa of plants and animals, including the ''golden parakeet,'' as an endangered species pursuant to the Act. On September 26, 1975, we proposed to list the ''golden parakeet (*Aratinga guaruba*)'' as endangered (40 FR 44329). On June 14, 1976 (41 FR 24062), we finalized the listing as endangered.

On August 21, 2014, we received a petition from the American Federation of Aviculture, Inc. (AFA), requesting that the golden conure be removed from the List or reclassified as a threatened species. The AFA also requested that if we determined that downlisting to threatened status was warranted, we develop a rule under section 4(d) of the Act (also called a 4(d) rule) that would allow for import and export of certain golden conures into and from the United States, and interstate commerce of the species under certain circumstances.

On April 10, 2015, we published in the **Federal Register** (80 FR 19259), a

90-day finding for the 2014 petition, concluding that the petition provided substantial information indicating the petitioned action may be warranted, and we initiated a status review for this species.

On July 29, 2017, the AFA filed a complaint under the Act to compel the Service to issue a 12-month finding regarding the AFA's petition, pursuant to 16 U.S.C. 1533(b)(3)(B). On November 6, 2017, the AFA and the Service entered into a settlement agreement whereby the Service agreed to submit a 12-month finding for the golden conure to the **Federal Register** for publication no later than September 1, 2018. This proposed rule constitutes the 12-month finding and our 5-year status review for the golden conure.

Background

Species Status Assessment (SSA) Report for the Golden Conure

A thorough review of the taxonomy, life history, ecology, and overall viability of the golden conure is presented in the SSA Report (Service 2018; available at Docket No. FWS–HQ–ES–2015–0019 on *http://www.regulations.gov*). The following discussion is a summary of the information and analyses from the SSA Report.

Current Conservation Status

The golden conure is currently listed as endangered under the Act (41 FR 24062; June 14, 1976) and the species is considered ''Vulnerable'' at the national level in Brazil (MMA 2014, p. 122). The International Union for the Conservation of Nature (IUCN) recently reclassified the species from endangered to vulnerable because its population is estimated to be larger than previously thought (Bird Life International (BLI) 2017, unpaginated). IUCN's ''vulnerable'' listing acknowledges that the species nevertheless has a small estimated population that is expected to experience a rapid decline over the next three generations due to habitat loss and limited pressure from poaching (BLI 2017, unpaginated). The species is also included in Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix I (CITES 2018a, unpaginated). CITES is an international treaty for the conservation of wild fauna and flora subject to trade; species on CITES Appendix I are considered threatened with extinction and international trade is permitted only under exceptional circumstances, which generally precludes commercial trade (CITES 2016, unpaginated).

Species Description

The golden conure is a large, 34-centimeter (13-inch), macaw-like bird with striking yellow plumage and green flight feathers (Laranjeiras 2011a, unpaginated; Parr and Juniper 2010, p. 436). The sexes are similar in appearance, but in first-year juveniles the yellow color is variably streaked with green—most often on the back of the head, nape and chest (Forshaw 2017, p. 223; Laranjeiras 2011a, unpaginated; Reynolds 2003, p. 10).

Taxonomy

The golden conure was first documented in 1788 (ITIS 2017, unpaginated) and was later noted in the manuscripts of European explorers to Brazil in the 18th and 19th centuries (Yamashita 2003, p. 38). It was originally placed in its own (monotypic) genus *Guaruba,* then subsequently placed in the genus *Aratinga* by some authors (Peters 1937; Pinto 1978; Forshaw 1989, as cited in Tavares *et al.* 2004, p. 239), while others placed it in the genus *Conurus* (Salvadori 1891; Miranda Ribeiro 1920, as cited in Tavares *et al.* 2004, p. 239).

Researchers have since noted that its behaviors, including reproduction and vocalization, differ markedly from those of *Aratinga* species and have recommended that the golden conure's scientific name be returned to the monotypic genus *Guaruba* (Laranjeiras 2011a, unpaginated; Sick 1990, p. 112). Additionally, recent genetic analyses indicate that the golden conure is more closely related to the red-shouldered macaw (*Diopsittaca nobilis*) and the blue-crowned parakeet (*Thectocercus acuticaudatus*) (Urantówka and Mackiewicz 2017, entire), than to the *Aratinga* parakeets (Tavares *et al.* 2004, pp. 230, 236–237, 239). Therefore, the golden conure is recognized as *Guaruba guarouba* by (1) the Integrated Taxonomic Information System (ITIS 2017, unpaginated); (2) the Brazilian Ornithological Records Committee (Piacentini *et al.* 2015, p. 163); (3) Taxonomy of Birds of the World (Clements *et al.* 2017, unpaginated); and (4) Birdlife International (BLI 2017, unpaginated). Based upon our review of the best available information, we recognize the golden conure as a valid full species in the monotypic genus *Guaruba* and we are proposing to correct its scientific name to *Guaruba guarouba* on the Federal List of Endangered and Threatened Wildlife (see Proposed Technical Correction, below).

Abundance and Distribution

In general, the golden conure is relatively poorly studied and information on local abundance and distribution of populations throughout the range is limited (Laranjeiras 2011b, p. 303). An earlier global population estimate (*i.e.,* from 2010 and earlier) indicated fewer than 2,500 individuals remained, but a 2011 estimate signaled the global population contained 10,875 individuals within 174,000 square kilometers (km^2) (67,182 square miles (mi^2)) of suitable habitat (Laranjeiras 2011b, p. 311). This estimate was derived using: (1) Occurrence data obtained after 1987, that extended the species' known range considerably to the southwest; (2) a density estimate calculated from a conure survey in western Pará in 2007 (Laranjeiras 2011b, p. 311); and (3) estimates of suitable habitat within the known area of occurrence from a habitat modeling study in 2009 (Laranjeiras and Cohn-Haft 2009). However, because the golden conure has a patchy distribution and is poorly studied, more survey work would be required to produce better estimates.

The species' current known range includes portions of the following four states in Brazil (noted from east to west): (1) The western part of Maranhão; (2) the central region of Pará; (3) the extreme southeast of Amazonas; and (4) the northeastern portion of Rondônia (Laranjeiras 2011a, unpaginated). Additionally, the species was recorded in a fifth state, the northern portion of Mato Grosso, in the 1990s (Lo 1995, entire), but there have been no recent sightings in that area (Moura *in litt.* 2018; BLI 2016, p. 2; Laranjeiras 2011a, unpaginated; Laranjeiras and Cohn-Haft 2009, p. 3; Albertani *et al.* 1997, p. 135).

The species' historical range once extended farther eastward (to more eastern portions of the states of Pará and Maranhão), but the habitat there was mostly deforested in the 1970s and 1980s (Laranjeiras and Cohn-Haft 2009, p. 5). The golden conure is believed to be extirpated from these regions (BLI 2017, unpaginated; BLI 2016, p. 3; Laranjeiras and Cohn-Haft 2009, p. 5), which represented approximately 30 to 35 percent of the historical range (Laranjeiras 2011a, unpaginated; Laranjeiras and Cohn-Haft 2009, p. 8).

The species is limited to regions where extensive stands of tall Amazonian rainforest are still present (Oren and Novaes 1986, p. 331). Although the species can tolerate some disturbance in the forest, the golden conure is absent from landscapes with advanced deforestation; flocks

disappear seasonally from the fragmented landscapes, indicating that they require intact forest (Laranjeiras 2011a, unpaginated).

The best estimate of the geographic distribution of the golden conure is based on recent records and habitat modeling (see Service 2018, Figures 5 and 6, pp. 19–20; Laranjeiras 2011b, p. 311; Laranjeiras and Cohn-Haft 2009, entire). The total current range of the golden conure is estimated to be no more than 340,000 km^2 (131,275 mi^2) (Laranjeiras and Cohn-Haft 2009, p. 3). The species' distribution within this range is not continuous and is described as patchy—possibly associated with the distribution of specific nesting or food resources (Laranjeiras 2008, as cited in Laranjeiras and Cohn-Haft 2009, p. 6). The estimated suitable habitat for the golden conure within this range is 174,000 km^2 (67,182 mi^2) (Laranjeiras 2011b, p. 311). However, parrots can cross great gaps and are capable of flying long distances (Lees and Peres 2009, pp. 284, 286); thus, it is possible that some of the recent records of the golden conure that extended the range represent vagrant groups (Moura *in litt.* 2018). Because the species has a patchy distribution within its range, extrapolation of densities to estimate the global population is problematic, and population estimates throughout the range are needed (Laranjeiras 2011a, unpaginated).

Habitat

The golden conure lives in in Brazil's lower Amazon basin, in an area south of the Amazon River, east of the Madeira River, and north of the Brazilian Shield (Laranjeiras and Cohn-Haft 2009, p. 9). The Brazilian Shield is a region formed of Precambrian crystalline rocks that may be exposed or covered by layers of sedimentary rocks (Buckup 2011, p. 203). The species occupies primary (old growth) terra firme (unflooded) rainforest on undulating landscapes in the lowlands at elevation at or under 300 meters (984 feet) (Sick 1997, as cited by Laranjeiras 2011a, unpaginated). However, the species has also has been recorded in the regrowth of secondary forests and in igapó (seasonally flooded) forests while feeding (Laranjeiras 2011a, unpaginated, citing several sources; Laranjeiras 2011b, pp. 308–309; Oren and Noveas 1986, p. 332; Laranjeiras 2008a, as cited in Laranjeiras 2011a, unpaginated). The majority of golden conure groups appear to be resident (*i.e.,* non-migratory), even in the post-reproductive period (Laranjeiras 2008, as cited in Forshaw 2017, p. 226; Laranjeiras 2011a, unpaginated; Yamashita 2003, p. 38).

The golden conure uses large, old growth, hardwood trees (Yamashita 2003, p. 38) for cavity nesting (Oren and Novaes 1986, pp. 333–334). In most cases, the species uses the same tree for nesting and roosting (BLI 2016, p. 4; Laranjeiras 2011a, unpaginated; Yamashita 2003, p. 38). Most known nest and roost cavities have been found high in tall, standing, dead trees within a small, disturbed (cleared) area adjacent to continuous forest. The golden conure seems to prefer using isolated trees (*i.e.,* some distance from a neighboring tree) for nesting likely because isolated trees provide better protection against terrestrial or arboreal predators (Laranjeiras 2011a, unpaginated; Kyle 2005, p. 3). To date, we are aware of 7 different species of hardwood trees used for nesting (Laranjeiras 2011b, p. 308; Silveira and Belmonte *in press,* unpaginated; Oren and Novaes 1986, p. 333; Lima *et al.* 2014, p. 323) and more than 28 species of fruiting trees used for feeding (Service 2018, pp. 10, 60–61).

Biology

The golden conure is frugivorous (fruit-eating), and its diet varies throughout the year and across its distribution (Laranjeiras 2011a, unpaginated). The species eats whole fruit, seeds, pulp, buds and flowers, nectar, and peels; it will also feed on cultivated plants such as corn (*Zea mays*) and mangoes (*Mangifera indica*) (Laranjeiras 2011b, pp. 308–309; Oren and Noveas 1986, p. 332).

Breeding and nesting take place during the wet months, generally from November or December through April (Forshaw 2017, p. 227; Laranjeiras 2011a, unpaginated; Oren and Novaes 1986, p. 332). The social structure and breeding behavior of the golden conure appear to be unique from that of other members of the parrot family in that the species engages in communal brood-rearing. The golden conure remains in flocks made up of family groups or clans (averaging 10 individuals) (Laranjeiras 2011a, unpaginated), and individuals in the group (referred to as ''reproductive helpers'') assist in rearing the young. Most other large parrots are believed to incubate and rear young in pairs (Albertani *et al.* 1997, pp. 135–136).

The golden conure's communal brood-rearing includes the use of one or two uncommon reproductive strategies where the flock is either made up of (1) multiple related nesting pairs with reproductive helpers (Oren and Novaes 1986, p. 333), or (2) a single leading pair with juveniles from different generations acting as helpers (Reynolds 2003, p. 12; Oren and Novaes 1986, p. 333). Nest protection seems to be an important part of communal brood-rearing, and a group will vigorously defend the nest in response to potential competitors or predators (Forshaw 2017, p. 228; Laranjeiras 2008a, as cited in Laranjeiras 2011a, unpaginated).

Most of the information regarding development of the young is from captive birds. Eggs hatch within 28 to 30 days (Arndt 1996, as cited by Forshaw 2017, p. 227; Laranjeiras 2011a, unpaginated; Oren and Novaes 1986, p. 333). Nestlings reach adult size in about 60 days (Laranjeiras 2011a, unpaginated) and fledge at approximately 55–60 days post hatch (Arndt 1996, as cited by Forshaw 2017, p. 227). The post-reproductive period, when first year juveniles can be seen in the flocks at feeding sites in the wild, is from March or April to July or August (Laranjeiras 2011b, p. 304; Oren and Novaes 1986, p. 332).

First-year juveniles always stay with the family group and can be easily identified by their green-streaked plumage (Yamashita 2003, p. 38). Juveniles attain adult plumage in a molt when they are about 1 year old (Laranjeiras 2011a, unpaginated). Fledged chicks and juveniles will beg for food from foraging adults (Kyle 2005, p. 4). Annual survival information is limited, but first-year juveniles represent no more than 13 percent of the individuals in flocks (Laranjeiras 2008a, as cited in Laranjeiras 2011a, unpaginated). In some areas (*e.g.,* in eastern Pará, where trapping for the illegal pet trade has occurred), the percentage of observed first-year juveniles in the flocks was zero (Reynolds 2003 as cited by Laranjeiras 2011b, p. 309).

In captivity, adults reach sexual maturity at about 3 years of age (Oren and Novaes 1986, p. 333), with the average age for successful breeding occurring between 6 and 8 years (Reynolds, 2003, p. 12). Lifespan for the golden conure in the wild is not known, although the generation length was estimated as 7.4 years (BLI 2016, unpaginated) and the maximum age recorded for the species in captivity was 60 years with a median age of 14 years (calculated using adults ≥4 years; n = 190) (Young *et al.* 2011, p. 35). Information is lacking on the species' carrying capacity, birth rates, nesting success, and home range (broadly defined as confined areas where individuals conduct their day-to-day activities (Boitani and Fuller 2000, p. 65).

Summary of Factors Affecting the Species

A species is an ''endangered species'' for purposes of the Act if it is in danger of extinction throughout all or a significant portion of its range and is a ''threatened species'' if it is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for listing species, reclassifying species, or removing species from listed status. A species may be determined to be an endangered or threatened species due to one or more of the five listing factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. A species may be removed from listed status (*i.e.,* ''delisted'') or reclassified on the same basis. Our analysis of threats is an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future without the Act's protections.

In our analysis, we considered conservation measures (primarily the use of protected areas) as part of the current condition and projected future scenarios to evaluate viability of the species (Service 2018, pp. 42–47). We generally define viability as the ability the golden conure to sustain populations in natural ecosystems and disturbed habitats over time. Using the SSA framework, we considered what the species needs to maintain viability by evaluating the species in terms of resiliency, redundancy, and representation (Wolf *et al.* 2015, entire). For further information on viability, see the SSA Report (*http://www.regulations.gov* at Docket No. FWS–HQ–ES–2015–0019).

When we listed the golden conure as endangered in 1976, the species was perceived to be declining in numbers due to any one the following factors, or a combination of all three factors: The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A); overutilization of the species for commercial, recreational, scientific, or educational purposes (Factor B); or the inadequacy of existing regulatory mechanisms (Factor D) (41 FR 24062; June 14, 1976).

The golden conure presently faces the most risk from loss and degradation of its habitat from deforestation originating from multiple anthropogenic activities (Factor A) (BLI 2016, p. 4; IBAMA 2003 and SEMA 2007, as cited by Laranjeiras 2011a, unpaginated; Collar 1992, p. 5). Habitat loss and degradation is likely to be intensified by synergistic effects associated with the consequences of climate change (Staal *et al.* 2015, p. 2) (Factor E). Climate projections include increased temperatures, dryer conditions, and more extreme weather (including droughts), which have the potential to stress trees and cause tree mortality (Fearnside 2009, pp. 1003, 1005). These conditions also increase the unintentional spread of fires, further contributing to deforestation (Fearnside 2009, p. 1005). Additionally, the golden conure is still being illegally collected and traded within Brazil, at some unknown level, for the live pet bird trade (Factor B). These threats and other potential stressors are discussed in detail in the SSA Report and are summarized below.

Habitat Loss—Deforestation

Large-scale deforestation in the Amazon has occurred since the 1970s and 1980s concurrent with the growth of Brazil's economy (GFA 2017, unpaginated). The Brazilian Amazon is approximately the size of Western Europe, and as of 2016, an area the size of France has been lost to deforestation (Fearnside 2017a, pp. 1, 3). Approximately 30 to 35 percent of the golden conure's range has already been lost to deforestation, primarily in the eastern states of Pará and Maranhão (Laranjeiras 2011a, unpaginated; Laranjeiras and Cohn-Haft 2009, p. 8), and another 23 to 30 percent of the golden conure's habitat is predicted to be lost within 22 years or three generations (Bird *et al.* 2011 Appendix S1),

The golden conure's range partially overlaps what is known as the ''arc of deforestation,'' an area in the southeastern Amazon where rates of deforestation and forest fragmentation have been the highest (Prioste *et al.* 2012, p. 701; Laranjeiras 2011a, unpaginated; Laranjeiras and Cohn-Haft 2009, p. 8). After a long period of deforestation in the Amazon, rates dropped dramatically during the years from 2005 to 2011 (Alves *et al.* 2017, p. 76; Fearnside 2017b, p. 1; Prodes 2017, unpaginated; Hochstetler and Viola 2012, p. 759)). Deforestation declined from an annual average of about 21,000 km² (8,108 mi²) per year for the 5-year period between 2000 to 2004—to 7,000 km² (2,703 mi²) in 2009 (Petherick 2013, p. 8; Hochstetler and Viola 2012, p. 759).

Despite these declines, the total area deforested in Brazil's Amazon has risen steadily since deforestation rates were first measured in 1988 (IPAM 2017, p. 7 using PRODES 2017 data). More recently, deforestation rates are increasing again (Fearnside 2017b, p. 1; IPAM 2017, p. 15; Biderman and Nogueron 2016, unpaginated), as global demand for agricultural commodities continues to rise (Brando *et al.* 2016, abstract), and the ''arc of deforestation'' could continue to be a hotspot (Alves *et al.* 2017, p. 76).

An area does not have to be mostly deforested to lose value as suitable habitat for forest-dependent species such as the golden conure. Deforestation itself creates isolation of remnant forest patches and forest edge effects (Barlow *et al.* 2016, p. 144; Ewers and Didham 2006, pp. 123–124). Edge effects decrease habitat quality within remaining patches and the functional connectivity between them (Zurita *et al.* 2012, p. 504, citing many sources). Additionally, disturbance within the forest remnant, such as selective logging and increased fires, changes forest structure and species composition, generally reducing biodiversity (Barlow *et al.* 2016, p. 144).

Forest habitat degradation and fragmentation typically begin with road construction and subsequent human settlement. Activities resulting from human settlement include: (1) An increased network of unofficial roads; (2) logging; (3) crop production and cattle ranching; (4) increased fires; and (4) further infrastructure development, including more roads, dams and hydroelectric projects, and mining (GFA 2018a, b, c, and d, unpaginated; GFA 2017, unpaginated; Sonter *et al.* 2017, entire; Barber *et al.* 2014, entire; BLI 2016, unpaginated; Yamashita 2003, p. 38).

Roads have a major effect on Amazon deforestation. Deforestation is much higher near roads (including unofficial roads) and rivers (Barber *et al.* 2014, entire). Nearly 95 percent of all deforestation occurred within 5.5 km (3.4 mi) of roads or 1 km (0.6 mi) of rivers (Barber *et al.* 2014, pp. 203, 205, 208). Unofficial roads are rapidly expanding in the region and contribute to further degradation, including logging, new colonization, forest fragmentation, and increased fire risk (Barber *et al.* 2014, p. 203).

Logging in the Amazon was once restricted to areas bordering major rivers but the construction of highways and

strategic access roads, coupled with the depletion of hardwood stocks in the south of Brazil, made logging an important, growing industry (Veríssimo *et al.* 1992, p. 170). Logging operations typically occur on private lands claimed by ranchers, land speculators, and squatters who sell extraction rights to logging companies (GFA 2018a and b, unpaginated). After logging, the land may be clear-cut and burned, in preparation for crops (Reynolds 2003, p. 10). Burning makes nutrient-deficient land temporarily nutrient-rich, but it will only yield crops for a few years, creating a cycle of more land clearing (Reynolds 2003, p. 10). Revenues from timber sales are also used to finance conversion of the land to cattle ranching (GFA 2018a, unpaginated). Although the Brazilian forest code requires private landowners in the Amazon to maintain 80 percent of their land as forest, the code has been poorly enforced (GFA 2018b, unpaginated), and full compliance has not been achieved (Azevedo *et al.* 2017, entire; see Conservation Measures and Regulatory Mechanisms, below).

Logging on public lands is allowed via concessions where logging companies are granted logging rights for a fee (GFA 2018a, unpaginated). The concession system typically requires practices that minimize effects to the forest (*e.g.,* rotation of harvest, minimum-tree-size standards, and targets for long-term sustainable yield) (GFA 2018a, unpaginated). However, the concession system is not currently working as intended and illegal logging in public protected areas remains a serious threat, particularly logging of mahogany (*Swietenia macrophylla*) (BLI 2016, p. 5), a CITES Appendix II species (CITES 2018b). CITES Appendix II includes species that are not necessarily threatened with extinction, but for which trade must be controlled to avoid uses that are incompatible with their survival (CITES 2016, unpaginated). An example of illegal logging is that which occurs in Jamari National Forest, an area that is poorly protected and faces pressures from loggers, squatters, and poachers (Forshaw 2017, p. 224, F. Olmos *in litt.* 1999 as cited in BLI 2016, p. 5).

Also, as of 2010, Brazil had only leased a small amount of private concession forest, and instead, had announced plans to sell large forest tracts (GFA 2018a, unpaginated). If these lands were to become privately owned, they would be subject to Brazil's forest code and up to 20 percent could be legally deforested. Additionally, although selective logging and requirements for minimum tree sizes are intended to minimize effects to the forest, logging of larger trees is likely to have a greater effect on the golden conure because the species uses larger, older trees for its nesting and roosting (Yamashita 2003, p. 38).

Expanding crop production and ranching are also major drivers of deforestation in the Amazon basin. Soy beans only grew in temperate climates until agricultural research generated new varieties that grow in the tropics. These innovations, coupled with the application of fertilizer, allowed for the expansion of soy farming into the Amazon beginning in the 1970s (GFA 2018c, unpaginated). Soy beans are primarily used for cattle feed, and in 1990s and early 2000s, high demand for beef created a ''soy-cattle pasture deforestation dynamic,'' where soy production replaced existing cattle pasture, and forced new deforestation into the Amazon for cattle ranching (GFA 2018c, unpaginated). In 2006, the soy industry, in response to pressure from consumers, retailers, and nongovernment organizations, instituted a soy moratorium in Brazil's Amazon. The agreement curbs forest clearing for soy by blocking farms that violate the agreement from selling to companies that signed the soy moratorium (Gibbs *et al.* 2015, p. 377). In the 2 years preceding the moratorium, approximately 30 percent of soy expansion occurred through deforestation rather than by replacement of pasture or other previously cleared lands; by 2014, just 1 percent of soy expansion was responsible for deforestation in Brazil's Amazon (Gibbs *et al.* 2015, p. 377). The soy moratorium was renewed indefinitely in 2016, or until it is no longer needed (Patiño 2016, unpaginated).

Cattle ranching is the largest cause of deforestation in every Amazon country and is responsible for about 80 percent of current deforestation rates (GFA 2018d, unpaginated). Brazil is the largest beef exporter in the world, supplying about one quarter of the world market (GFA 2018d, unpaginated). Brazil's Amazon supports about 200 million head of cattle on approximately 450,000 km^2 (173,746 mi^2) of deforested land (GFA 2018d, unpaginated). Cattle from the Amazon are mostly sold in the domestic markets because some of the Amazon states have not been cleared for the presence of foot-and-mouth disease (Fearnside 2017b, p. 14). Beginning in 1998, states in the south (non-Amazonian) were certified as free of foot-and-mouth disease (Kaimowitz *et al.* 2004, as cited by Fearnside 2017b, p. 14). The growing export market for beef from these southern states has indirectly increased the demand for Amazon beef for the domestic market (Fearnside 2017b, p. 14). In 2015 and 2016, new markets for Brazilian beef were opened up via agreements with Russia, the United States, and China (Fearnside 2017b, p. 14). The Chinese market, in particular, has significant potential demand for both beef and leather, with China being the world's largest manufacturer of shoes (Fearnside 2017b, p. 16).

Conversion of native forest for the cultivation of palm plantations for the production of palm oil is an emerging agricultural use in the region that is likely to further reduce the amount of habitat available to golden conure. Palm oil is in high demand and the industry is highly profitable (Lees *et al.* 2015, p. 2). Increased palm oil production has the potential to create thousands of new jobs and raise regional standards of living in Brazil (Lees *et al.* 2015, p. 2). The Brazilian government plans to increase biofuel production in the next decade, driven primarily by demands for fuel (ethanol and biodiesel) (Villela *et al.* 2014, p. 273). Palm oil production has been touted as a ''green fuel'' from both a biodiversity and a climate change perspective because degraded lands (*e.g.,* abandoned cattle pastures and mining areas) can be used for plantations (Lees *et al.* 2015, p. 2). However, a recent study of regional avian biodiversity in palm oil plantations concluded that they are as detrimental to avian biodiversity as other forms of agriculture such as cattle pasture (Lees *et al.* 2015, entire). Therefore, any native forest converted to palm plantations will result in habitat loss for the golden conure, and any degraded land that is planted for palm oil will not have the opportunity to regenerate or be restored to suitable habitat for the species.

Increased fire risk results from human settlement and the activities noted above (Barber *et al.* 2014, p. 203) (see *Projected Effects from Climate Change,* below). Although use of fire for land management is now common in rural Amazonia (Malhi *et al.* 2008, p. 171), wildfires in the tropical forests of the Amazon were rare over the past millennia, and the trees are not adapted for fire (Fearnside 2009, p. 1005). Amazonian trees have thin bark, and fire heats the cambium under the bark at the base of the trunk, causing the tree to die (Fearnside 2009, p. 1005) and further contributing to deforestation.

Hydroelectric dams are also a major contributor to deforestation in the Amazon. Areas affected by dams include both the area flooded by the dam and effects from the increased

human settlement around the dam (GFA 2018e, unpaginated). Brazil is the second-largest producer of hydroelectricity in the world (after China), and hydropower supplies about 75 percent of Brazil's electricity (GFA 2018e, unpaginated; Fearnside 2017c, unpaginated). Numerous dams are under construction or planned in the Amazon basin. For example, the Belo Monte ''mega dam'' on the Xingu River, flooded 673 km² (260 mi²) of lowlands and forest, and blocked 1,609 km (1,000 mi) of the Xingu River (Fearnside 2017c, unpaginated). Recently the Brazilian Government announced an end to the construction of mega dams in the Amazon (Branford 2018, unpaginated), but smaller dams within the golden conure's range are still under construction or planned (GFA 2018e, unpaginated; Fearnside 2017c, unpaginated; Nobre *et al.* 2016, p. 10763).

Mining for minerals also contributes to deforestation of the Amazon. In Brazil, mining has grown from 1.6 percent of GDP in 2000, to 4.1 percent in 2011, and is projected to increase by a factor of 3 to 5 by 2030 (Brasil Ministério de Minas e Energia 2010, as cited by Ferreira *et al.* 2014, p. 706). In Brazil's Amazon, mining leases, exploration permits, and concessions collectively encompass 1.65 million km² (0.64 million mi²) of land, with about 60 percent located in the Amazon forest (Departamento Nacional de Produção Mineral 2012, as cited in Sonter *et al.* p. 1). Although mining is rapidly expanding in the region, to date, the environmental approval process for new mines or the expansion of existing projects does not consistently evaluate for off-lease effects of these projects, including the indirect or cumulative impacts to the surrounding forest (Sonter *et al.* 2017, p. 1). The total off-lease effects of mining-induced deforestation can be 12 times greater than that from the leases alone (Sonter *et al.* 2017, p. 2).

Deforestation Rates and Gross Domestic Product

Annual deforestation rates in the Brazilian Amazon have always varied, but have generally been correlated with national economic growth as measured by GDP (Petherick 2013 p.7; Hochstetler and Viola 2012, p. 759). However, beginning in 2005, measures of deforestation and GDP have separated or ''decoupled'' (Lapola *et al.* 2014, p. 27; Petherick 2013 p.7). The Amazon experienced dramatic reductions in annual average rates of deforestation from almost 21,000 km² (8,108 mi²) between 2000 and 2004—to about 7,000 km² (2,703 mi²) in 2009 and 2010 (Prodes 2017, unpaginated; Petherick 2013, p. 8; Hochstetler and Viola 2012, p. 759) and 6,418 km² (2,478 mi²) in 2011 (Prodes 2017, unpaginated). During this same period, Brazil's GDP rose steadily, indicating strong, sustained growth from an export commodity boom (Petherick 2013 p.7; Hochstetler and Viola 2012, pp. 759–760).

The decoupling has been attributed to a number of factors with no clear consensus on which factor has been the most effective (Moutinho 2015, p. 2). Contributing factors include government strategies and policies for forest conservation (Assunção *et al.* 2012, p. 697) such as: (1) The expansion of protected areas, which reduced the supply of unclaimed forest land (Nepstad *et al.* 2014, p. 1118); (2) an effort that began in 2007 to blacklist the worst deforesters; and (3) efforts to monitor and control municipalities with high levels of illegal deforestation through sanctions and restricted access to credit (Moutinho 2015, p. 3; Assunção *et al.* 2012, p. 698).

Reductions in deforestation have also been attributed to market and social forces, such as decreases in the price of agricultural commodities (including soy and beef) in 2005 (Fearnside 2017b, p. 1; Assunção *et al.* 2012, entire) and the 2006 soy moratorium (Gibbs *et al.* 2015, pp. 377–378). Importantly, increased soy production from 2006 to 2010 was due to agricultural intensification practices (Lapola *et al.* 2014, p. 28) and expansion into previously cleared land in the Amazon (Nepstad *et al.* 2014, p. 1121). Eventually cleared land that is suitable for soy production will become scarce, likely increasing deforestation pressure on the Amazon (Nepstad *et al.* 2014, p. 1121). Although GDP is not presently a good predictor of Amazon deforestation (Fearnside 2017b, p. 14), as global population and food demands continue to rise (Beckman *et al.* 2017, p. i; Brando *et al.* 2016, abstract), it is possible that these measures could more closely correlate in the future.

Brazil is one of the countries that currently has comparatively low productivity levels and is projected to grow faster as it catches up with more developed countries (Guardian 2012, unpaginated). Brazil is expected to remain among the top ten economies as rated by GDP based on purchasing power parity (GDP PPP) by 2050 (PWC Global 2016). GDP PPP measures the relative purchasing power of different countries' currencies over the same types of goods and services, allowing for more accurate comparison of living standards (Euromonitor International 2013, unpaginated). Forecasts vary for Brazil's GDP PPP, with one forecast predicting that GDP PPP will rise steadily through 2050 (PWC Global 2016, unpaginated), while a more recent forecast predicts that GDP PPP will stagnate then drop after about 2050 (Knoema 2018, unpaginated). Therefore, if deforestation rates were to correlate more closely with GDP PPP in the future, in one scenario deforestation rates would steadily rise, and in the other scenario, deforestation rates would stabilize and then decline after about 2050.

Projected Effects From Climate Change

Changes in Brazil's climate and associated changes to the landscape are likely to result in additional habitat loss for the golden conure. Across Brazil, temperatures are projected to increase and precipitation to decrease (Barros and Albernaz 2014, p. 811; Carabine and Lemma 2014, p. 11). The 2013 Intergovernmental Panel on Climate Change (IPCC) predicted that by 2100, South America will experience temperature increases ranging from 1.7 to 6.7 degrees Celsius (°C) (3.06 to 12.06 degrees Fahrenheit (°F)) under the medium and high emission scenarios and 1.0 to 1.5 °C (1.8 to 2.7 °F) under a low emissions scenario (Carabine and Lemma 2014, p. 10; Magrin *et al.* 2014, p. 1502). Projected changes in precipitation in South America vary by region, with rainfall reductions in the Amazon estimated with medium confidence (about a 5 out of 10 chance) (IPCC 2018, unpaginated; Carabine and Lemma 2014, p. 11; Magrin *et al.* 2014, p. 1502).

Downscaled models, based, in part, on the earlier (2007) IPCC data, predict more severe changes, with the greatest warming and drying occurring over the Amazon rainforest, particularly after 2040 (Marengo *et al.* 2011, pp. 8, 15, 27, 39, 48; Féres *et al.* 2009, p. 2). Estimates of temperature changes in the Amazon by the end of the 21st century (2090–2099) are 2.2 °C (4 °F) under a low greenhouse gas emission scenario and 4.5 °C (8 °F) under a high-emission scenario (Marengo *et al.* 2011, p. 27). Increased temperatures of these amounts put the Amazon region at a high risk of forest loss and more frequent wildfires (Magrin *et al.* 2007, p. 596). Some leading global circulation models indicate that extreme weather events, such as droughts, will increase in frequency or severity due to global warming. As a result, droughts in Amazonian forests could become more frequent in the future (Marengo *et al.* 2011, p. 48). For example, the 2005 drought in Amazonia was a 1-in-20-year

event; however, those conditions may become a 1-in-2-year event by 2025, and a 9-in-10-year event by 2060 (Marengo *et al.* 2011, p. 28). Deforestation is greater under drought conditions due to more risk of fires (Marengo *et al.* 2011, p. 16).

A number of large-scale drivers of environmental change (*i.e.,* land-use change from deforestation and climate changes due to global warming) are operating simultaneously and interacting nonlinearly in the Amazon (Nobre *et al.* 2016, p. 10759). Thus, the risks to golden conure from deforestation will likely be intensified by synergistic effects associated with climate change (Staal *et al.* 2015, p. 2). The Amazon's rainforest may have two ''tipping points'': (1) A temperature increase of 4.0 °C (7.2 14;°F); or (2) deforestation exceeding 40 percent (Nobre *et al.* 2016, p. 10759). Once exceeded, these tipping points could cause large-scale shifts in the vegetation to a savanna (*i.e.,* ''savannization'') mostly in the southern and eastern Amazon (Nobre *et al.* 2016, p. 10759) within the golden conure's range.

Similarly, a recent study that considered only the effects from global warming (*i.e.,* absent deforestation) predicted that by the end of this century, some areas of rainforest will be replaced by deciduous forest and grassland in a moderate emissions scenario (RCP 4.5) and by all grassland in the high emissions scenario (RCP 8.5) (Lyra *et al.* 2016, entire). Although the projected outcomes of models are not definitive, any terra firme forest habitat that shifts from rainforest to other habitat types (*e.g.,* savanna) would result in loss of habitat for the golden conure.

Illegal Collection and Trade

The golden conure is highly prized as an aviary bird and has been extensively trapped for both the domestic and international pet trade in the past (BLI 2016, p. 5; Alves *et al.* 2013, p. 60; Laranjeiras 2011a, unpaginated; Yamashita 2003, p. 38; Snyder *et al.* 2000, p. 132; Collar 1992, p. 304; Oren and Novaes 1986, pp. 329, 334–335). The international trade of wild neotropical parrots was significantly reduced during the 1990s due to (1) tighter enforcement of CITES regulations, (2) stricter measures under European Union legislation, (3) adoption of the Wild Bird Conservation Act (WBCA; 16 U.S.C. 4901 *et seq.*) in the United States, and (4) adoption of national legislation in various other countries (Snyder *et al.* 2000, p. 99). Although an illegal international trade of the golden conure for the pet trade occurred in the past, there is little evidence that this practice is continuing (Laranjeiras 2011a, unpaginated; Silveira and Belmonte 2005 *in press,* unpaginated). In contrast, the illegal domestic market for the species is still occurring at some level (Silveira and Belmonte *in press,* unpaginated).

Historically, keeping birds was an important part of local indigenous tradition and culture (Carvalho 1951 and Cascudo 1973, as cited by Alves *et al.* 2013, p. 54). Young golden conures were taken from the wild to raise as pets and for feathers, but now they are also sold to bird traders (Oren and Novaes 1986, p. 335). Much of the area occupied by the golden conure is poor, and selling the birds for the domestic pet trade provides an extra source of income (Yamashita 2003, p. 39).

There are mixed reports regarding the degree to which illegal capture of golden conures from the wild (''poaching'') is still occurring. The Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) has licensed and regulated bird breeding in an effort to reduce poaching (Alves *et al.* 2013, p. 61). As a result, several sources believe poaching is no longer a major concern for the species because trade is thought to mostly be from the substantial captive population, and thus does not significantly affect the wild population (Silveira *in litt.* 2012, Lees *in litt.* 2013, in BLI 2016, p. 5). Additional captive populations exist outside Brazil. There are CITES-registered captive-breeding operations for golden conures in the United Kingdom and the Philippines.

However, some level of illegal capture and trade of the species is still occurring. For example, in 2016, approximately 57 golden conures were seized in Brazil (IBAMA 2017 as cited by Lima *in litt.* 2018). We have no seizure data from any other years, and this number may represent a year where seizures were high, but it demonstrates that domestic trafficking is occurring (Lima *in litt.* 2018). Captive rearing may not be a practical alternative to illegal trade, particularly in low-income areas because the price of commercially bred birds is approximately 10 times higher than wild-caught individuals (Renctas 2001, as cited in Alves *et al.* 2013, p. 61; Machado 2002, as cited in Alves *et al.* 2010, p. 155).

Additionally, oversight of domestic wildlife-breeding facilities in Brazil is limited (Alves *et al.* 2010, entire), and many wild bird species declared to be captive-bred are actually born in the wild and traded under fraudulent documentation (Alves *et al.* 2013, p. 61). Although each Brazilian state has a wildlife center responsible for managing, licensing, and inspecting all categories of breeders, traders, and zoos (Kuhnen and Kanaan 2014, p. 125), most centers lack resources and funding (Padrone 2004, as cited in Kuhnen and Kanaan 2014, p. 125). Also, there are not enough inspections at market places and commercial breeding facilities to fight illegal domestic trade (Alves *et al.* 2010, pp. 154–155).

The United States is a major importer of pet birds, yet relatively little trade in the golden conure has been observed. We reviewed all records of legal and intercepted illegal trade in the CITES annual trade records submitted by the U.S. Fish and Wildlife Service from 1981 to 2016. During this 35-year period, 54 live golden conures were imported into the United States and 26 were exported (UNEP–WCMC 2018, unpaginated). One record of illegal trade was reported in 1981, and involved the unlawful importation of a single animal from Brazil. Overall, the U.S. trade in the golden conure has been relatively low compared with other pet birds.

Other Potential Stressors

Other potential stressors to the golden conure include hunting and persecution (Factor B), and predation or disease (Factor C). The species is likely still hunted at low levels as a food source, and for feathers, and birds that raid crops may be shot by farmers (Oren and Novaes 1986, p. 335). However, we have no information about the rate that these activities may be occurring or the extent to which they may be affecting populations. Similarly, we have no information regarding diseases that may affect golden conures in the wild.

Golden conures, including eggs and nestlings, are prey to a variety of native predators, including toucans (Oren and Novaes 1986, p. 334; Forshaw 2017, p. 228), raptors (Laranjeiras 2008a, as cited in Laranjeiras 2011a, unpaginated; Silveira and Belmonte *in press,* unpaginated), monkeys, snakes, and the tayra (*Eira barbara*), an omnivorous weasel (Oren and Novaes 1986, p. 334). However, we have no information regarding the rates predation on the golden conure from these predators and how that may be affecting the conure.

Conservation Measures and Regulatory Mechanisms

The golden conure is considered ''Vulnerable'' at the national level in Brazil (MMA 2014, p. 122). Like other wildlife species, conures and their nests, shelters, and breeding grounds are protected by Brazilian environmental laws (Clayton 2011, p. 4; Environmental Crimes law of Brazil (1999) as cited in

MSU 2018, unpaginated; Official List of Brazilian Endangered Animal Species Order No. 1.522/1989 as cited in ECOLEX 2018; CFRB 2010, p. 150; Law No. 5.197/1967 as cited in LatinLawyer 2018, unpaginated). Additionally, several Brazilian laws are designed to protect forests. Destruction and damage of forest reserves, cutting trees in forest reserves, and causing fire in forests, among other actions, without authorization are prohibited (Clayton 2011, p. 5; Law No. 9.605/1998 as cited in LatinLawyer 2018, unpaginated).

Protected areas have been emphasized as the best hope for the golden conure's survival (*e.g.,* in the Tapajos River region and the Gurupi Biological Preserve) (Laranjeiras and Cohn-Haft 2009, pp. 1, 8; Silveira and Belmonte *in press,* unpaginated). The species occurs in nine areas recently designated as Important Bird Areas (IBAs) in Brazil (BLI 2018a–h, unpaginated; Lima *et al.* 2014, p. 318; Laranjeiras 2011a, unpaginated; Devenish *et al.* 2009, pp. 104–106). IBAs are places of international significance for the conservation of birds and other biodiversity (BLI 2018i, unpaginated). Levels of protection at IBAs vary from fully protected to no protections (BLI 2018i, unpaginated). For example, the Gurupi IBA has partial protection while the Caxiuanã/Portel IBA has none (Service 2018, pp. 68–70; BLI 2018b, unpaginated; Devenish *et al.* 2009, pp. 104–106). Additionally, the species' predicted range overlaps with numerous other protected areas, also having various levels of protection (Service 2018, pp. 68–70; Laranjeiras and Cohn-Haft 2009, p. 8).

Various regulatory mechanisms (Law No. 11.516, Act No. 7.735, and Decree No. 78, as cited in ECOLEX 2018, unpaginated) and Law 6.938/1981 (LatinLawyer 2018, unpaginated) direct Brazil's federal and state agencies to promote the protection of lands and govern the formal establishment and management of protected areas to promote conservation of the country's natural resources. These mechanisms generally aim to protect imperiled wildlife and plant species, genetic resources, overall biodiversity, and native ecosystems on federal, state, and privately owned lands (*e.g.,* Law No. 9.985, Law No. 11.132, Resolution No. 4, and Decree No. 1.922, as cited in ECOLEX 2018, unpaginated).

Protected Areas: Protected areas have traditionally formed the backbone of forest conservation in the Amazon Basin, and they still remain a vital conservation strategy (GFA 2018f, unpaginated). Brazil has the largest protected area network in the world. The National Protected Areas System (Federal Act 9.985/2000, as cited in LatinLawyer 2018, unpaginated) was established in 2000, and covers nearly 2.2 million km^2 (0.8 million mi^2) or 12.4 percent of the global total (WDPA, 2012 as cited by Ferreira *et al.* 2014, p. 706). This extensive network of protected areas is intended to (1) preserve priority biodiversity conservation areas, (2) establish biodiversity corridors, and (3) protect portions of the 23 Amazonian ecoregions identified by World Wildlife Fund (Rylands and Brandon 2005, pp. 612, 615; Silva, 2005, entire). Brazil's Protected Areas may be categorized as ''strictly protected'' or ''sustainable use'' based on their overall management objectives. Strictly protected areas include national parks, biological reserves, ecological stations, natural monuments, and wildlife refuges protected for educational and recreational purposes and scientific research. Protected areas of sustainable use (national forests, environmental protection areas, areas of relevant ecological interest, extractive reserves, fauna reserves, sustainable development reserves, and private natural heritage reserves) allow for different types and levels of human use with conservation of biodiversity as a secondary objective.

By 2006, 1.8 million km^2 (0.7 million mi^2), or approximately 45 percent of Brazil's Amazonian tropical forest, was under some level of protection as federal or state managed land, or designated as indigenous reserve (managed by indigenous communities) (Barber *et al.* 2014, p. 204). Of this, 19.2 percent was strictly protected areas, and 30.6 percent was comprised of federal and state sustainable use area, with indigenous reserves making up the remainder (Barber *et al.* 2014, p. 204).

Indigenous lands are legally recognized areas where indigenous peoples have perpetual rights of access, use, withdrawal, management, and exclusion over the land and associated resources (GFW 2018, unpaginated). Indigenous communities sustainably use their forest land, and large-scale deforestation is prohibited (Barber *et al.* 2014, p. 204). Indigenous communities practice shifting cultivation, trade non-timber forest products, and occasionally allow selective logging (GFA 2018g, unpaginated; Schwartzman and Zimmerman 2005, p. 721).

To date, the golden conure has been found in numerous protected areas or IBAs, with a total area of approximately 154,673 km^2 (51,719 mi^2) (Service 2018, pp 68–70). However, not all of the area represented contains suitable habitat for the species and several of the IBAs (39 percent) presently have no protection (61,864 km^2 (23,866 mi^2). An additional 26 percent of IBAs presently have just partial protection (40,582 km^2 (15,669 mi^2) (Service 2018, pp 68–70).

Despite significant efforts to designate and establish protected areas, funding and resources are limited and adequate enforcement of these areas is challenging. For example, the conure occurs in Jamari National Forest, which is poorly protected and faces pressures from loggers, squatters, and poachers (Forshaw 2017, p. 224, F. Olmos *in litt.* 1999 as cited in BLI 2016, p. 5).

Forest Code: Brazil's forest code was created in 1965, and was subsequently changed in the 1990s via a series of presidential decrees (Soares-Filho *et al.* 2014, p. 363). As of 2001, the forest code required landowners in the Amazon to conserve native vegetation on their rural properties by setting aside what is called a ''legal reserve'' of 80 percent of their property (*i.e.,* with 20 percent available to be harvested) (Soares-Filho *et al.* 2014, p. 363). The forest code severely restricted deforestation on private properties but proved challenging to enforce, and full compliance has not been achieved (GFA 2018b, unpaginated; Azevedo *et al.* 2017, entire; Soares-Filho *et al.* 2014, p. 363). For instance, the lack of registered property boundaries made it difficult to link deforestation to particular land owners, and the majority of deforestation from 2002 to 2009 (about 69 percent) occurred on properties whose boundaries were not publicly registered (Azevedo *et al.* 2017, p. 7653).

In late 2012, a new forest code was approved that reduces restoration requirements by providing amnesty for previous illegal deforestation by smaller property holders (Soares-Filho *et al.* 2014, p. 363). Under the older forest code, legal reserves that were illegally deforested were required to be restored at the landowner's expense. The new forest code forgives the legal reserve debt of small properties (up to 440 hectares (1,087 acres)) (Soares-Filho *et al.* 2014, p. 363). Although the 2012 forest code reduced the restoration requirements, it also introduced measures that strengthen conservation including addressing (1) fire management, (2) forest carbon, and (3) payments for ecosystem services (Soares-Filho *et al.* 2014, p. 363).

Additionally, the new forest code created an Environmental Reserve Quota where quota surplus on one property may be used to offset a legal reserve debt on another property within the same biome; this could create a market for forested lands, adding monetary value to native vegetation and

potentially abating up to 56 percent of legal reserve debt (Soares-Filho *et al.* 2014, p. 363). Proponents of the new forest code believe that it will act as an effective barrier to agricultural development, while others believe that amnesty will lead to the perception that illegal deforesters are unlikely to be prosecuted or could be forgiven in future land reforms (Soares-Filho *et al.* 2014, pp. 363–364).

Legal Captive Rearing and Trade: IBAMA has licensed and regulated breeding of native bird species, including golden conure, in an effort to reduce poaching (Alves *et al.* 2013, p. 61). The captive population of golden conures in Brazil is believed to be about 600 birds (Prioste *et al.* 2013, p. 146), and one breeder reported that in 8 years she reared nearly 600 birds (Weinzettl, *in litt.* 2015). Therefore, there is reason to believe that the captive population of golden conures in Brazil is at least 600 birds or larger. Additional captive populations of golden conures exist as CITES-registered captive-breeding operations in the United Kingdom and the Philippines. Although we have no further information on these programs, the captive rearing of golden conures in Brazil is believed to have reduced the incidence of poaching of young golden conures from the wild (Silveira *in litt.* 2012, Lees *in litt.* 2013, as cited in BLI 2016, p. 5).

Reintroduction: Captive rearing and reintroduction efforts have contributed to the recovery of other parrots in Central and South America but we know of only one attempt to reintroduce the golden conure to an area where it had been extirpated. The species was extirpated from the Belém region of Pará in 1848 (Moura *et al.* 2014, p. 5). In 2017, researchers reintroduced the golden conure to this area (at Utinga State Park in Belém) (globo.com 2018, unpaginated). The project includes a post-release monitoring component (Moura *in litt.* 2018), but it is too soon to know whether or not the reintroduction has been successful.

Additional Regulatory Mechanisms: ''Reducing Emissions from Deforestation and Forest Degradation'' (REDD) is a ''payment for ecological services'' initiative that creates a financial value for the carbon stored in forests (GFA 2018h, unpaginated). The program offers incentives to developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development (GFA 2018h, unpaginated). REDD plus (REDD+) goes one step further by including objectives for (1) biodiversity conservation, (2) sustainable management of forests, and (3) improvements to forest governance and local livelihoods (GFA 2018h, unpaginated). Brazil is one of the most advanced countries in the world in REDD+ planning and maintains an ''Amazon Fund,'' which receives compensation for reductions in deforestation. To date, the Norwegian government is the major donor and lesser donors include the government of Germany and the Brazilian oil company Petrobras (GFA 2018h, unpaginated). The successful funding and implementation of REDD+ is expected to reduce rates of deforestation in Brazil's Amazon rainforest and would likely benefit the golden conure and its habitat. However, the initiative is in its early stages and is being hampered by numerous issues, particularly unresolved land-tenure problems (May *et al.* 2018, p. 44).

The golden conure is protected under CITES, an international agreement between member governments to ensure that the international trade of CITES-listed plant and animal species is legal and does not threaten species' survival. Under this treaty, CITES Parties (member countries or signatories) regulate the import, export, and re-export of specimens, parts, and products of CITES-listed plant and animal species. Brazil is a Party to CITES. Trade in CITES-listed plants and animals must be authorized through a licensing system of permits and certificates that are provided by the designated CITES Management Authority of each CITES Party. CITES includes three Appendices that list species meeting specific criteria. Depending on the Appendix in which they are listed, species are subject to various permitting requirements.

The golden conure is listed in CITES Appendix I and receives the highest degree of protection. Species listed in this Appendix are those that are threatened with extinction and which are, or may be, affected by trade. Commercial trade in Appendix I wildlife species is strictly prohibited, except in limited circumstances provided by the treaty. However, commercial international trade may be allowed in certain circumstances where animals have been produced by CITES-registered captive-breeding operations. Trade in specimens from registered operations may be treated as if they were listed in CITES Appendix II, although they remain Appendix I listed specimens. Each shipment requires the issuance of both CITES export and import documents. There are two CITES-registered captive-breeding operations for the golden conure: one in the United Kingdom and the other in the Philippines. The United States may also allow non-commercial trade in this species on a case-by-case basis for approved purposes such as scientific, zoological, and educational activities.

Two other laws in the United States apart from the Act provide protection from the illegal import of wild-caught birds into the United States: the Wild Bird Conservation Act (WBCA) and the Lacey Act (18 U.S.C. 42; 16 U.S.C. 3371 *et seq.*). The WBCA was enacted in 1992, to ensure that exotic bird species are not harmed by international trade and to encourage wild bird conservation programs in countries of origin. Under the WBCA and our implementing regulations (50 CFR 15.11), it is unlawful to import into the United States any exotic bird species listed under CITES except under certain circumstances. We may issue permits to allow import of listed birds for scientific research, zoological breeding or display, cooperative breeding, or personal pet purposes when the applicant meets certain criteria (50 CFR 15.22–15.25).

The Lacey Act was originally passed in 1900, and was the first Federal law protecting wildlife. Today, it provides civil and criminal penalties for the illegal trade of animals and plants. Under the Lacey Act, in part, it is unlawful to (1) import, export, transport, sell, receive, acquire, or purchase any fish, or wildlife taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law; or (2) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law. Therefore, for example, because the take of wild-caught golden conures would be in violation of Brazil's wildlife law, the subsequent import of the species would be in violation of the Lacey Act. Similarly, under the Lacey Act, it is unlawful to import, export, transport, sell, receive, acquire, or purchase specimens of these species traded contrary to CITES.

Summary of Biological Status and Threats

The best scientific and commercial information available indicates that the golden conure is more widespread and abundant than believed at the time of listing as endangered (BLI 2017, unpaginated; Bird *et al.* 2011, Appendix S1; Laranjeiras 2011b, p. 311; Laranjeiras and Cohn-Haft 2009, pp. 1, 3) and that the threat from poaching for the pet trade (Factor B) has diminished (Silveira *in litt.* 2012, Lees *in litt.* 2013,

in BLI 2016, p. 5; Snyder *et al.* 2000, p. 99) but is still occurring at some unknown level. The global population is estimated at 10,875 individuals within 174,000 km² (67,182 mi²) of suitable habitat across a range of approximately 340,000 km² (131,275 mi²) (Laranjeiras 2011b, p. 311; Laranjeiras and Cohn-Haft 2009, pp. 1, 3). Nevertheless, the population is regarded as small, and is believed to declining (BLI 2016, p. 1) primarily due to loss and degradation of its habitat from deforestation (Factor A) (BLI 2016, p. 4; IBAMA 2003 and SEMA 2007, as cited by Laranjeiras 2011a, unpaginated; Collar 1992, p. 5).

Although rates of deforestation have declined in recent decades, they are increasing again (Alves *et al.* 2017, p. 76; Fearnside 2017b, p. 1; IPAM 2017, p. 15;Prodes 2017, unpaginated; Biderman and Nogueron 2016, unpaginated) and are projected to continue to increase (Bird *et al.* 2011, entire; Soares-Filho *et al.* 2006, p. 520) as the global demand for agricultural commodities continues to rise (Brando *et al.* 2016, abstract). Risks from deforestation will likely be intensified by synergistic effects associated with climate change (Staal *et al.* 2015, p. 2) (Factor E). Climate projections include increased temperatures, dryer conditions, and more frequent extreme weather (including droughts), which have the potential to stress trees and cause tree mortality (Fearnside 2009, pp. 1003, 1005). These conditions also increase the unintentional spread of fires, further contributing to deforestation (Fearnside 2009, p. 1005). Deforestation itself can cause regional shifts in the climate and is likely to operate together with the effects of climate change to negatively alter rainforest habitat. Although there are uncertainties in the various models, and projected outcomes are not definitive, any terra firme forest habitat that shifts from rainforest to other habitat types (*e.g.,* savanna) would no longer be available to the golden conure.

Although an illegal international trade of the golden conure occurred in the past, there is little evidence that this practice is continuing (Laranjeiras 2011a, unpaginated; Silveira and Belmonte 2005 *in press,* unpaginated). In contrast, the golden conure continues to face an unknown level of pressure from poaching and illegal trade within Brazil (Factor B) (Silveira and Belmonte *in press,* unpaginated), particularly in poorer areas (Silveira and Belmonte *in press,* unpaginated; Alves *et al.* 2013, p. 61). Captive golden conure breeding programs in Brazil have helped to limit poaching of wild golden conures (Silveira *in litt.* 2012, Lees *in litt.* 2013, in BLI 2016, p. 5). However, poaching of young conures for the illicit domestic pet trade in Brazil has the potential to negatively affect golden conure populations, especially if individuals are being collected from small or fragmented populations. Population-level effects could operate synergistically with effects from habitat loss or degradation to the further detriment of the species.

Although existing conservation efforts and regulatory mechanisms appear to be substantial (*e.g.,* Brazil has the largest protected area network in the world), at this time they do not adequately ameliorate threats to the golden conure (Factor D). Despite significant efforts to preserve the rainforest in Brazil's Amazon basin, enforcement has proven to be challenging, and full compliance has not been achieved. Habitat loss due to deforestation is ongoing and is predicted to continue, resulting in global population declines of the golden conure (BLI 2016, p. 1; Bird *et al.* 2011 Appendix S1).

Proposed Determination of Species Status

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for determining whether a species is an endangered species or threatened species and should be included on the Federal Lists of Endangered and Threatened Wildlife and Plants (listed). The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' Under section 4(a)(1) of the Act, we determine whether a species is an endangered species or threatened species because of any one or a combination of the following: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Determination of Status Throughout All of Its Range

As required by section 4(a)(1) of the Act, we conducted a review of the status of the golden conure and assessed the five factors to evaluate whether the species is endangered or threatened throughout all of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the golden conure. We reviewed information presented in the 2014 petition, information available in our files, information gathered through our 90-day finding in response to the petition, information gathered in our status review, and other available published and unpublished information.

In considering what factors may constitute threats, we must look beyond the mere exposure of the species to the factor to determine whether the species responds to the factor in a way that causes actual impacts to the species. If there is exposure to the factor, but no response, or only a positive response, that factor is not a threat. If there is exposure and the species responds negatively, the factor may be a threat and we then attempt to determine if it may drive or contribute to the risk of extinction of the species such that the species warrants listing as an endangered or threatened species as those terms are defined by the Act.

When we listed the golden conure as endangered in 1976, the species was perceived to be declining in numbers due to either Factor A, Factor B, or Factor D, or a combination of all three factors (41 FR 24062; June 14, 1976). At present, the best scientific and commercial information available on the range and abundance of the species indicates that the species is more widespread and abundant than previously believed and that the threat from overutilization for the pet trade (Factor B) has diminished (Silveira *in litt.* 2012, Lees *in litt.* 2013, in BLI 2016, p. 5; Snyder *et al.* 2000, p. 99). Habitat modeling studies have estimated that there are approximately 10,875 individuals within 174,000 km² (67,182 mi²) of suitable habitat across a range of approximately 340,000 km² (131,275 mi²) (Laranjeiras 2011b, p. 311; Laranjeiras and Cohn-Haft 2009, pp. 1, 3).

Tighter enforcement of CITES, stricter European Union legislation, adoption of the WBCA in the United States, and adoption of national legislation in other countries have all helped to significantly curtail illegal international trade (Snyder *et al.* 2000, p. 99). In addition, government-authorized captive breeding programs in Brazil are thought to have curtailed the illegal domestic trade (Silveira *in litt.* 2012, Lees *in litt.* 2013, in BLI 2016, p. 5). Thus, after assessing the best available information and as a result of the aforementioned information, we conclude the golden conure is not

currently in danger of extinction throughout its range.

As described below, we next considered whether the golden conure is likely to become in danger of extinction throughout its range within the foreseeable future. The term ''foreseeable future'' describes the extent to which we can reasonably rely on predictions about the future in making determinations about the future conservation status of the species. The golden conure has already lost 30 to 35 of its historical range (Laranjeiras 2011a, unpaginated; Laranjeiras and Cohn-Haft 2009, p. 8). We expect both the species' global population and its habitat to decline an additional 23 to 30 percent in 22 years (Service 2018, pp. 42–46; Bird *et al.* 2011 Appendix S1). Additionally, habitat loss and degradation is likely to be intensified by synergistic effects associated with the consequences of climate change (Service 2018, pp. 42–46; Staal *et al.* 2015, p. 2). There is a strong likelihood of warming to at least 1.5 to 2.0 °C (3.6 °F) in Latin America by the end of the Century (Carabine and Lemma 2014, p. 8), and downscaled estimates for the Amazon over the same time period (*i.e.,* by the end of the Century) indicate temperature increases of 2.2 °C (4 °F) under a low greenhouse gas emission scenario and 4.5 °C (8 °F) under a high-emission scenario (Marengo *et al.* 2011, p. 27). Increased temperatures of these amounts put the Amazon region at a high risk of forest loss and more frequent wildfires (Magrin *et al.* 2007, p. 596). Downscaled models, based, in part, on the earlier (2007) IPCC data, predict severe changes (increased warming and drying) over the Amazon rainforest, particularly after 2040 (Marengo et al. 2011, pp. 8, 15, 27, 39, 48; Féres et al. 2009, p. 2). Additionally, some leading global-circulation models indicate that extreme weather events, such as droughts, will increase in frequency, with drought becoming a 9-in-10-year event, by 2060 (Marengo et al. 2011, p. 28) further contributing to deforestation due to more risk from fires (Marengo et al. 2011, p. 16). Therefore, based on the best available data, we assessed foreseeable future to be 22 to 42 years (or approximately three to six generations of the golden conure). We based the lower end of this range (22 years) on the peer-reviewed work by Bird *et al.* 2011, relating to deforestation and declines in the population. We based the upper end of this range (42 years) on peer-reviewed studies predicting effects from climate change (such as drought) on deforestation after about 2040 to 2060 (Marengo et al. 2011, pp. 8, 15, 27, 28, 39, 48; Féres et al. 2009, p. 2). We conclude that it is reasonable to rely on the predictions made in these peer-reviewed studies in making determinations about the future conservation status of the golden conure.

Although the golden conure is now known to be more widespread and abundant than previously thought, the species remains relatively rare. It occurs only within the southern basin of Brazil's Amazon, and much of this area is in the ''arc of deforestation'' and is threatened by loss and degradation of its rainforest habitat from deforestation. Effects from deforestation are exacerbated by the projected effects from climate change. Additionally, even though government-authorized captive breeding programs in Brazil are thought to have curtailed the illegal domestic trade, some unknown level of illegal collection and trade is ongoing, particularly within Brazil (Silveira and Belmonte *in press,* unpaginated).

Existing regulatory mechanisms and conservation efforts do not currently adequately ameliorate threats to the golden conure (Factor D). The factors identified above continue to affect the golden conure such that it is likely to become in danger of extinction within the foreseeable future throughout all of its range. Based on the best available scientific studies and information assessing land-use trends, lack of enforcement of laws, predicted landscape changes under climate-change scenarios, and predictions about how those threats may impact the golden conure, we conclude that the species is likely to be in danger of extinction in the foreseeable future throughout all of its range. Accordingly, we find that the golden conure meets the definition of a ''threatened species'' under the Act, and we are proposing to list the golden conure as threatened throughout its range.

Significant Portion of Its Range

Under the Act and our implementing regulations, a species warrants listing if it is endangered or threatened. The Act defines ''endangered species'' as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and ''threatened species'' as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Because we have determined that the golden conure is threatened throughout all of its range, under the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species and ''Threatened Species'' (79 FR 37578; July 1, 2014) (SPR Policy), if a species warrants listing throughout all of its range, no portion of the species' range can be a ''significant'' portion of its range.

Proposed 4(d) Rule

When a species is listed as endangered, certain actions are prohibited under section 9 of the Act and our regulations at 50 CFR 17.21. These include, among others, prohibitions on take within the United States, within the territorial seas of the United States, or upon the high seas; import; export; and shipment in interstate or foreign commerce in the course of a commercial activity. Exceptions to the prohibitions for endangered species may be granted in accordance with section 10 of the Act and our regulations at 50 CFR 17.22.

The Act does not specify particular prohibitions and exceptions to those prohibitions for threatened species. Instead, under section 4(d) of the Act, the Secretary of the Interior, as well as the Secretary of Commerce depending on the species, was given the discretion to issue such regulations as deemed necessary and advisable to provide for the conservation of such species. The Secretary also has the discretion to prohibit by regulation with respect to any threatened species any act prohibited under section 9(a)(1) of the Act. For the golden conure, the Service is exercising our discretion to propose a rule under section 4(d) of the Act. If this proposed rule is adopted, we will incorporate all prohibitions and provisions of 50 CFR 17.31 and 17.32, except that import and export of certain golden conures into and from the United States and certain acts in interstate commerce will be allowed without a permit under the Act, as explained below.

Import and Export

The proposed 4(d) rule imposes a prohibition on imports and exports (by incorporating 50 CFR 17.31), but creates exceptions for certain golden conures. Shipments of captive specimens (*i.e.,* not taken from the wild) may include live and dead golden conures and parts and products, including the import and export of personal pets and research samples. The proposed 4(d) rule would adopt the existing conservation regulatory requirements of CITES and the WBCA as the appropriate regulatory provisions for the import and export of these golden conure specimens.

This 4(d) rule proposes to allow a person to import or export, into and

from the United States, captive specimens, without a permit issued under the Act, provided that the export is authorized under CITES and the import is authorized under CITES and the WBCA. The import would require a CITES document issued by the foreign Management Authority indicating a source code of ''C'', ''D'', or ''F.'' Exporters of captive birds would need to provide a signed and dated statement from the breeder of the bird, along with documentation that identifies the source of their breeding stock in order to obtain a CITES export permit from the U.S. Fish and Wildlife Service's Division of Management Authority. Exporters of captive-bred birds must provide a signed and dated statement from the breeder of the bird confirming its captive-bred status, and documentation on the source of the breeder's breeding stock. The source codes of C, D, and F for CITES permits and certificates are as follows:

- Source Code C: Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 of the Convention.
- Source Code D: Appendix I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), and Appendix I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention.
- Source Code F: Animals born in captivity (F1 or subsequent generations) that do not fulfill the definition of ''bred in captivity'' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof.

The proposed 4(d) rule would not allow any U.S. import or export of golden conures that are taken from the wild; such birds must continue to meet the requirements of 50 CFR 17.31 and 17.32, including obtaining a permit under the Act, with the following exception. This 4(d) rule proposes to allow a person to import or export a wild golden conure specimen if the specimen was held in captivity prior to the date the species was listed in CITES Appendix I (*i.e.,* prior to the date that CITES entered into force on July 1, 1975, with ''golden parakeet'' (*i.e.,* the golden conure) listed in Appendix I) and provided that it meets all the requirements of CITES and WBCA. If a specimen was taken from the wild and held in captivity prior to that date (July 1, 1975), the exporter would need to provide documentation as part of the application for a U.S. CITES preconvention certificate. Examples of documentation may include: (1) A copy of the original CITES permit indicating when the bird was removed from the wild, (2) veterinary records, or (3) museum specimen reports. Additionally, consistent with the 4(d) regulations for other species in the parrot family at 50 CFR 17.41 (c), the prohibitions on take would apply and the 4(d) rule would require a permit under the Act for any activity that could take a golden conure. Our regulations at 50 CFR 17.3 establish that take, when applied to captive wildlife, does not include generally accepted animal husbandry practices, breeding procedures, or provisions of veterinary care for confining, tranquilizing, or anesthetizing, when such practices are not likely to result in injury to the wildlife.

We assessed the conservation needs of the golden conure in light of the broad protections provided to the species under CITES and the WBCA. As noted above in Summary of Factors Affecting the Species, some level of poaching for illegal trade of golden conures is occurring within Brazil (Silveira and Belmonte *in press,* unpaginated) but there is little evidence that this practice occurs at the international level (Laranjeiras 2011a, unpaginated; Silveira and Belmonte 2005 *in press,* unpaginated). The best available commercial data indicate that tighter enforcement of CITES, stricter European Union legislation, adoption of the WBCA in the United States, and adoption of national legislation in other countries have all helped to significantly curtail illegal international trade (Snyder *et al.* 2000, p. 99). Therefore, illegal international trade is not likely to be occurring at levels that negatively affect the golden conure population. Additionally, legal international trade of the species is not currently occurring at levels that affect the golden conure population. Therefore, we find that the import and export requirements of the proposed 4(d) rule provide the necessary and advisable conservation measures that are needed for this species. This proposed 4(d) rule, if made final, would streamline the permitting process for these types of activities by deferring to existing laws that are protective of golden conures in the course of import and export.

Interstate Commerce

Under the proposed 4(d) rule, a person may deliver, receive, carry, transport, or ship a golden conure in interstate commerce in the course of a commercial activity, or sell or offer to sell in interstate commerce a golden conure without a permit under the Act. At the same time, the prohibitions on take under 50 CFR 17.21 would apply under this proposed 4(d) rule, and any interstate commerce activities that could incidentally take golden conure or otherwise constitute prohibited acts in foreign commerce would require a permit under 50 CFR 17.32.

Between 1981 and 2016, persons within the United States imported 54 golden conures and exported 26; all were reported as live captive-bred birds except two exported birds that originated from an unknown source and one imported bird seized upon import (UNEP–WCMC 2018, unpaginated; Service 2018, p. 33). These imports and exports were made for commercial, captive-breeding, zoological, and personal purposes (UNEP–WCMC 2018, unpaginated; Service 2018, p. 33). We have no information to indicate that interstate commerce activities in the United States are associated with threats to the golden conure or would negatively affect any efforts aimed at the recovery of wild populations of the species. Therefore, because (1) acts in interstate commerce within the United States have not been found to threaten the golden conure, (2) the species is otherwise protected in the course of interstate and foreign commercial activities under the take provisions set forth at 50 CFR 17.31, and (3) international trade of this species appears to be effectively regulated under CITES, we find this proposed 4(d) rule contains all the prohibitions and authorizations necessary and advisable for the conservation of the golden conure.

Proposed Technical Correction

Sections 50 CFR 17.11(c) and 17.12(b) of Title 50 of the Code of Federal Regulations direct us to use the most recently accepted scientific name of any wildlife or plant species, respectively, that we have determined to be an endangered or threatened species. The golden conure currently appears on the List as the ''golden parakeet'' (*Aratinga guarouba*). However, in this proposed rule, we refer to the species by the common name ''golden conure'' and, based on the best available scientific information regarding the species' taxonomy, we use the scientific name *Guaruba guarouba.* Both ''golden conure'' and ''golden parakeet'' are common names associated with *Guaruba guarouba.* We find that the best available scientific information available supports the designation of the

golden conure to its own genus (*Guaruba*). Therefore, we propose to update the List to reflect this change in the scientific name for golden conure.

The basis for this taxonomic change is supported by published studies in peer-reviewed journals (*e.g.,* Urantówka and Mackiewicz 2017, entire; Tavares *et al.* 2004, pp. 230, 236–237, 239; Sick 1990, p. 112). Accordingly, we propose to correct the scientific name of the species under section 4 of the Act (16 U.S.C. 1531 *et seq.*) by changing the name as currently listed (*i.e.,* golden parakeet (*Aratinga guarouba*)) to the corrected species name (*i.e.,* golden conure or golden parakeet (*Guaruba guarouba*)). We note that we are not required to propose such a technical correction and can generally make such a change in a direct final rule. We determined it more efficient, however, to include the technical correction in this proposal.

Effects of This Rule

If this proposed rule is made final, it would revise 50 CFR 17.11(h) to reclassify the golden conure from endangered to threatened on the List of Endangered and Threatened Wildlife. Additionally, if the proposed 4(d) rule is adopted in a final rule, the Service will incorporate all prohibitions and provisions of 50 CFR 17.31 and 17.32, except that import and export of certain golden conures into and from the United States and certain acts in interstate commerce will be allowed without a permit under the Act. In addition, if the proposed taxonomic change is made final, we will revise the List of Endangered and Threatened Wildlife to change the species' scientific name to *Guaruba guarouba,* and its common name to golden conure (=golden parakeet).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that we do not need to prepare an environmental assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted under section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of references cited in this rulemaking is available on the internet at *http://www.regulations.gov* under Docket No. FWS–HQ–ES–2015–0019 or upon request (see **FOR FURTHER INFORMATION CONTACT**). Authors

The primary authors of this proposed rule are the staff members of the Branch of Delisting and Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h), the List of Endangered and Threatened Wildlife, by:

■ a. Removing the entry for ''Parakeet, golden'' under BIRDS; and

■ b. Adding an entry for ''Conure, golden (=golden parakeet)'' in alphabetical order under BIRDS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * *				
BIRDS				
* * *				
Conure, golden, (=golden parakeet).	*Guaruba guarouba.*	Wherever found	T	41 FR 24062, 6/14/1976; [**Federal Register** citation of final rule]; 50 CFR 17.41(c) [4d].
* * *				

■ 3. Amend § 17.41 by revising paragraph (c) introductory text and paragraph (c)(2)(ii) introductory text, and by adding paragraph (c)(2)(ii)(D) to read as follows:

§ 17.41 Special rules—birds.

* * * * *

(c) The following species in the parrot family: Salmon-crested cockatoo (*Cacatua moluccensis*), yellow-billed parrot (*Amazona collaria*), white cockatoo (*Cacatua alba*), and the golden conure (*Guaruba guarouba*).

* * * * *

(2) * * *

(ii) *Specimens held in captivity prior to certain dates:* You must provide documentation to demonstrate that the specimen was held in captivity prior to the applicable date specified in paragraphs (c)(2)(ii)(A), (B), (C), or (D) of this section. Such documentation may include copies of receipts, accession or veterinary records, CITES documents, or

wildlife declaration forms, which must be dated prior to the specified dates.

* * * * *

(D) For *golden conures:* July 1, 1975 (the date CITES entered into force with the ''golden parakeet'' (*i.e.,* the golden conure) listed in Appendix I).

* * * * *

Dated: August 3, 2018.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–19153 Filed 9–4–18; 8:45 am]

BILLING CODE 4333–15–P

Notices

Federal Register

Vol. 83, No. 172

Wednesday, September 5, 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

Farm Service Agency

Information Collection Request; Request for Aerial Photography

AGENCY: Farm Service Agency.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision and an extension of a currently approved information collection associated with FSA Aerial Photography Program. The FSA Aerial Photography Field Office (APFO) uses the information from the form to collect the customer and photography information needed to produce and ship the various photographic products ordered.

DATES: We will consider comments that we receive by November 5, 2018.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include the date, volume, and page number of this issue of the **Federal Register**, the OMB control number and the title of the information collection request. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* David Parry, Supervisor, USDA, Farm Service Agency, APFO Customer Service Section, 2222 West 2300 South, Salt Lake City, Utah 84119–2020.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting David Parry at the above address.

FOR FURTHER INFORMATION CONTACT: David Parry, (801) 844–2923. Persons with disabilities who require alternative mean for communication (Braille, large print, audio tape, etc.) should contact the USDA's TARGET Center at (202) 720–2600 (Voice).

SUPPLEMENTARY INFORMATION:

Title: Request for Aerial Photography.

OMB Control Number: 0560–0176.

Expiration Date: October 31, 2018.

Type of Request: Extension with a revision.

Collection

Abstract: The information collection is needed to enable the Department of Agriculture to effectively administrate the Aerial Photography Program. APFO has the responsibility for conducting and coordinating the FSA's aerial photography, remote sensing programs, and the aerial photography flying contract programs. The digital and film imagery secured by FSA is public domain and reproductions are available at cost to any customer with a need. All receipts from the sale of aerial photography products and services are retained by FSA. The FSA–441, Request for Aerial Photography, is the form FSA supplies to the customers for placing an order for aerial imagery products and services. The burden hours have decreased because there are a fewer customers requesting for the aerial photography products.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per responses hours multiplied by the estimated total annual responses.

Estimate of Burden: Public reporting burden for this information collection is estimated to average 19 minutes per response. The average travel time, which is included in the total burden, is estimated to be 1 hour per respondent.

Type of Respondents: Farmers, Ranchers and other customers who wish to purchase imagery products and services.

Estimated Number of Respondents: 1,465.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 1,465.

Estimated Average Time per Response: 0.296.

Estimated Total Annual Burden Hours on Respondents: 433 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information technology; and

(4) Minimize the burden of the collection of information on those who are respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the request for OMB approval of the information collection.

Richard Fordyce,

Administrator, Farm Service Agency.

[FR Doc. 2018–19134 Filed 9–4–18; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notices in the Southwestern Region, Which Includes Arizona, New Mexico, and Parts of Oklahoma and Texas

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Grasslands, Forests, and the Regional Office of the Southwestern Region to publish legal notices. The intended effect of this action is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions, notices of decision, and notices of opportunity to file an objection or appeal. This will provide the public with constructive

notice of Forest Service proposals and decisions, provide information on the procedures to comment, appeal, or object, and establish the date that the Forest Service will use to determine if comments, appeals, or objections were timely.

DATES: Publication of legal notices in the listed newspapers will begin on the date of this publication and continue until further notice.

ADDRESSES: Roxanne Turley, Regional Administrative Review Coordinator, Forest Service, Southwestern Region; 333 Broadway SE, Albuquerque, NM 87102–3498.

FOR FURTHER INFORMATION CONTACT: Roxanne Turley, Regional Administrative Review Coordinator; (505) 842–3178.

SUPPLEMENTARY INFORMATION: The administrative procedures at 36 CFR 218 and 219 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 218 and 219. In general, the notices will identify: The decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments, appeals, or objections. The date the notice is published will be used to establish the official date for the beginning of the comment, appeal, or objection period. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper of record of which publication date shall be used for calculating the time period to file comment, appeal, or an objection.

Southwestern Regional Office

Regional Forester

Notices of Availability for Comment and Decisions and Objections affecting New Mexico Forests:—''*Albuquerque Journal*'', Albuquerque, New Mexico, for National Forest System Lands in the State of New Mexico for any projects of Region-wide impact, or for any projects affecting more than one National Forest or National Grassland in New Mexico. Regional Forester Notices of Availability for Comment and Decisions and Objections affecting Arizona Forests:—''*The Arizona Republic*'', Phoenix, Arizona, for National Forest System lands in the State of Arizona for any projects of Region-wide impact, or for any projects affecting more than one National Forest in Arizona.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting National Grasslands in New Mexico, Oklahoma, and Texas are listed by Grassland and location as follows: Kiowa National Grassland notices published in:—''*Union County Leader*'', Clayton New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma notices published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas notices published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland in Roger Mills County, Oklahoma notices published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland in Hemphill County, Texas notices published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland in Gray County, Texas notices published in:—''*The Pampa News*'', Pampa, Texas.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting only one National Forest or National Grassland unit will appear in the newspaper of record elected by each National Forest or National Grassland as listed below.

Arizona National Forests

Apache-Sitgreaves National Forests

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Alpine Ranger District, Black Mesa Ranger District, Lakeside Ranger District, and Springerville Ranger District are published in:—''*The White Mountain Independent*'', Apache County, Arizona.

Clifton Ranger District Notices are published in:—''*Copper Era*'', Clifton, Arizona.

Coconino National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Mogollon Rim Ranger District, and Flagstaff Ranger District are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Red Rock Ranger District Notices are published in:—''*Red Rock News*'', Sedona, Arizona.

Coronado National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and Santa Catalina Ranger District are published in:—''*The Arizona Daily Star*'', Tucson, Arizona.

Douglas Ranger District Notices are published in:—''*Daily Dispatch*'', Douglas, Arizona; notices for projects occurring within the Peloncillo Mountain Range (the Peloncillo Ecosystem Management Area) are published in:—''*Hidalgo County Herald*'', Lordsburg, New Mexico.

Nogales Ranger District Notices are published in:—''*Nogales International*'', Nogales, Arizona.

Sierra Vista Ranger District Notices for projects east of Highway 83 are published in:—''*Sierra Vista Herald*'', Sierra Vista, Arizona; notices for projects west of Highway 83 are published in:—''*Nogales International*'', Nogales, Arizona.

Safford Ranger District Notices are published in:—''*Eastern Arizona Courier*'', Safford, Arizona.

Kaibab National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, North Kaibab Ranger District, Tusayan Ranger District, and Williams Ranger District Notices are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Prescott National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Bradshaw Ranger District, and Chino Valley Ranger District are published in:—''*Daily Courier*'', Prescott, Arizona. Verde Ranger District Notices are published in: ''*Verde Independent*'', Cottonwood, Arizona.

Tonto National Forest

Notices for Availability for Comments, Decisions, and Objections by Forest Supervisor, Cave Creek Ranger District, and Mesa Ranger District are published in:—''*Arizona Capitol Times*'', in Phoenix, Arizona.

Globe Ranger District Notices are published in:—''*Arizona Silver Belt*'', Globe, Arizona. Payson Ranger District, Pleasant Valley Ranger District and Tonto Basin Ranger District Notices are published in:—''*Payson Roundup*'', Payson, Arizona.

New Mexico National Forests

Carson National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Camino Real Ranger District, Tres Piedras Ranger District and Questa Ranger District are published in:—''*The Taos News*'', Taos, New Mexico.

Canjilon Ranger District and El Rito Ranger District Notices are published in:—''*Rio Grande Sun*'', Espanola, New Mexico.

Jicarilla Ranger District Notices are published in:—''*Farmington Daily Times*'', Farmington, New Mexico.

Cibola National Forest and National Grasslands

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor affecting lands in New Mexico, except the National Grasslands are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Forest Supervisor Notices affecting National Grasslands in New Mexico, Oklahoma and Texas are published by grassland and location as follows: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico published in:—''*Union County Leader*'', Clayton, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland, in Roger Mills County, Oklahoma published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland, in Hemphill County, Texas, published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland published in:—''*The Pampa News*'', Pampa, Texas.

Mt. Taylor Ranger District Notices are published in:—''*Cibola County Beacon*'', Grants, New Mexico.

Magdalena Ranger District Notices are published in:—''*El Defensor-Chieftain*'', Socorro, New Mexico.

Mountainair Ranger District Notices are published in:—''*The Independent*'', Edgewood, New Mexico.

Sandia Ranger District Notices are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Kiowa National Grassland Notices are published in:—''*Union County Leader*'', Clayton, New Mexico.

Rita Blanca National Grassland Notices in Cimarron County, Oklahoma are published in:—''*Boise City News*'', Boise City, Oklahoma while Rita Blanca National Grassland Notices in Dallam County, Texas are published in:—''*Dalhart Texan*'', Dalhart, Texas.

Black Kettle National Grassland Notices in Roger Mills County, Oklahoma are published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma, while Black Kettle National Grassland Notices in Hemphill County, Texas are published in:—''*The Canadian Record*'', Canadian, Texas.

McClellan Creek National Grassland Notices are published in:—''*The Pampa News*'', Pampa, Texas.

Gila National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Quemado Ranger District, Reserve Ranger District, Glenwood Ranger District, Silver City Ranger District and Wilderness Ranger District are published in:—''*Silver City Daily Press*'', Silver City, New Mexico.

Black Range Ranger District Notices are published in:—''*The Herald*'', Truth or Consequences, New Mexico.

Lincoln National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and the Sacramento Ranger District are published in:—''*Alamogordo Daily News*'', Alamogordo, New Mexico.

Guadalupe Ranger District Notices are published in:—''*Carlsbad Current Argus*'', Carlsbad, New Mexico.

Smokey Bear Ranger District Notices are published in:—''*Ruidoso News*'', Ruidoso, New Mexico.

Santa Fe National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Coyote Ranger District, Cuba Ranger District, Espanola Ranger District, Jemez Ranger District and Pecos-Las Vegas Ranger District are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Dated: August 17, 2018.

Gregory Smith,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–19181 Filed 9–4–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2018–0005]

Notice of Proposed Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

ACTION: Notice of availability of proposed changes to the National Handbook of Conservation Practices (NHCP) for public review and comment.

SUMMARY: Notice is hereby given of the intention of NRCS to issue a series of revised conservation practice standards in the NHCP. These standards include Combustion System Improvement (Code 372), Dust Control on Unpaved Roads and Surfaces (Code 373), Integrated Pest management (Code 595), Nutrient Management (Code 590), Pesticide Mitigation (Code 594), Subsurface Drain (Code 606), Waste Facility Closure (Code 360), and Wildlife Habitat Planting (Code 420).

NRCS State Conservationists who choose to adopt these practices in their States will incorporate them into Section IV of their respective electronic Field Office Technical Guide. These practices may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland. Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment all proposed revisions to conservation practice standards used to carry out HEL and wetland provisions of the law.

DATES: *Effective Date:* This is applicable September 5, 2018.

Comment Date: Submit comments on or before October 5, 2018. Final versions of these new or revised conservation practice standards will be adopted after the close of the 30-day period and after consideration of all comments.

ADDRESSES: Comments should be submitted, identified by Docket Number NRCS–2018–0005, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or hand-delivery:* Public Comments Processing, Attention: Regulatory and Agency Policy Team, Strategic Planning and Accountability, Natural Resources Conservation Service, 5601 Sunnyside Avenue, Building 1–1112D, Beltsville, Maryland 20705.

NRCS will post all comments on *http://www.regulations.gov.* In general, personal information provided with comments will be posted. If your comment includes your address, phone number, email, or other personal identifying information (PII), your comments, including PII, may be available to the public. You may ask in your comment that your PII be withheld from public view, but this cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Reck, National Environmental Engineer, Conservation Engineering Division, U.S. Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue Southwest, South Building, Room 6136, Washington, DC 20250.

Electronic copies can be downloaded or printed from *http://go.usa.gov/TXye*. Requests for paper versions or inquiries may be directed to: Mr. Emil Horvath, National Practice Standards Review Coordinator, Natural Resources Conservation Service, Central National Technology Support Center, 501 West Felix Street, Fort Worth, Texas 76115.

SUPPLEMENTARY INFORMATION: The amount of the proposed changes varies considerably for each of the conservation practice standards addressed in this notice. To fully understand the proposed changes, individuals are encouraged to compare these changes with each standard's current version, which can be found at *http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/technical/cp/ncps/?cid=nrcs143_026849.* To aid in this comparison, following are highlights of some of the proposed revisions to each standard:

Combustion System Improvement (Code 372)—Revised language of the general criteria and criteria applicable to the air quality and energy purposes to address some confusion encountered in the implementation of the practice.

Dust Control on Unpaved Roads and Surfaces (Code 373)—Relatively minor changes have been made to the 2010 version. Two purposes were added to more adequately describe the reasons for using this practice: ''improve visibility by reducing emissions of particulate matter;'' and ''improve plant health and vigor by reducing emissions of particulate matter.''

Integrated Pest Management (Code 595)—The standard definition and purposes have been updated to reflect current agency policy and science. The standard has been edited to clarify criteria, and support farmers and ranchers wanting to address resource concerns and implement an integrated pest management system where land-grant-university guidelines are available.

Nutrient Management (Code 590)—The revision has no significant definition technical changes. Instead, it has a focus on improving the usability of 590 at the operational level of the agency (*i.e.* the State and field). The formatting and writing style were updated to meet current agency requirements. Bullet point statements were used to specify single concepts and replace paragraphs containing multiple concepts.

Pesticide Mitigation (Code 594)—A new standard to support farmers and ranchers wanting to address resource concerns created by the use of pesticides in areas where they do not have land-grant university integrated pest management guidelines for one or more of their crops or cropping systems. Proposed Standard 594 offers resource protection using site-specific techniques designed to mitigate the impacts of chemical pest suppression on natural resources.

Subsurface Drain (Code 606)—The formatting and writing style were updated to meet current agency requirements. Sections of the standard were relocated and rearranged to improve document flow. The minimum velocity has been raised to 0.8 feet-per-second for areas without sedimentation problems. Provisions have been included for the use of square junction boxes.

Waste Facility Closure (Code 360)—The formatting and writing style were updated to improve clarity. Criteria was added to dry-waste storages to render the site unsuitable for stacking or treating waste. Language was added to the standard to make it clear that the standard is not used for the rehabilitation or expansion of existing facilities.

Wildlife Habitat Planting (Code 420)—This is a new conservation practice standard developed to better address the technical complexities of establishing wildlife habitat, including pollinator and monarch butterfly habitat plantings. Wildlife Habitat Planting (420) will be planned and applied when establishing herbaceous vegetation for wildlife. Planting trees for wildlife will be planned and applied using Tree and Shrub Establishment (612).

Signed this 28th day of August, 2018, in Washington, DC

Leonard Jordan,

Acting Chief, Natural Resources Conservation Service.

[FR Doc. 2018–19145 Filed 9–4–18; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

OneRD Guaranteed Loan Platform

AGENCY: Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Service, USDA.

ACTION: Request for information and notice of public listening sessions.

SUMMARY: The United States Department of Agriculture (USDA) Rural Development (RD), comprised of the Rural Business-Cooperative Service (RBS), Rural Housing Service (RHS), and Rural Utilities Service (RUS) announces that it is hosting listening sessions for public input regarding development of a common platform to deliver four guaranteed loan programs.

The Rural Development Innovation Center (IC) is holding these listening sessions specifically to provide an opportunity for stakeholders and other interested parties to offer their comments and input.

DATES:

Written Comments: Interested parties must submit written comments on or before October 22, 2018.

Listening Sessions: Listening sessions will be held on September 10, 12, 14, 19, and 20, 2018. See the **SUPPLEMENTARY INFORMATION** section for additional guidance and information on the listening sessions.

ADDRESSES: Submit comments by any of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments;
- *Postal Mail/Commercial Delivery:* Please send your comment addressed to Michele Brooks, Team Lead, Regulations Management Team, Rural Development Innovation Center, USDA, 1400 Independence Ave., STOP 1522, Room 5159, Washington, DC 20250–1522.
- Orally at the listening session; please also provide a written copy of your comments online as specified above or in hard copy at the listening session.

Listening Sessions: To ensure maximum stakeholder involvement, six listening sessions are scheduled and will allow for in-person comments.

The Listening Sessions Are as Follows

West Region: Monday, September 10, 2018, Denver, Colorado. 9:30 a.m. to 12:30 p.m. Mountain Daylight Time. Denver Federal Center, 6th Kipling, Building 25, Lecture Hall, Denver, Colorado. See *https://www.gsa.gov/cdnstatic/DFC_map_508_2014-0619.pdf* for a map of the facility. To enter the facility, please be prepared to present a valid driver's license and current vehicle registration at the entrance gates.

To participate remotely, please log on to *https://cc.readytalk.com/r/yjoqkcys0pjm&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207501.

South Region: Monday, September 10, 2018, Lexington, Kentucky. 1:00 p.m. to 4:00 p.m. Eastern Daylight Time. Kentucky State Office, USDA Rural Development, 771 Corporate Drive, Suite 200, Lexington, Kentucky.

To participate remotely, please log on to *https://cc.readytalk.com/r/776hi2fw0o2u&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207502.

Midwest Region: Wednesday, September 12, 2018, Lake Ozark, Missouri. 1:30–4:30 p.m. Central Daylight Time. The Lodge of Four Seasons, 315 Four Seasons Drive, Lake Ozark, Missouri. The Sea Chase Room.

To participate remotely, please log on to *https://cc.readytalk.com/r/2sgmfo5txt2a&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207502.

Northeast Region: Friday, September 14, 2018, East Stroudsburg, Pennsylvania. 9:30 a.m. to 12:30 p.m. Eastern Daylight Time. East Stroudsburg University, Innovation Center, 562 Independence Rd., East Stroudsburg, Pennsylvania. Innovation Center, Room 336.

To participate remotely, please log on to *https://cc.readytalk.com/r/26b0nffdxaoi&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207502.

National: Thursday, September 20, 2018, Washington, DC. 9:30 a.m. to 12:30 p.m. Eastern Standard Time. 1400 Jefferson Drive SW, Washington, DC 20250. The meeting will be held in Room 107–A of the USDA Whitten Building. To participate remotely, please log on to *https://cc.readytalk.com/r/gfyzg0zqobay&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207502.

Tribal Listening Session: A virtual listening session is scheduled for Wednesday, September 19, 2018, from 3:00 p.m. to 4:30 p.m. Eastern Daylight Time. To participate, please log on to *https://cc.readytalk.com/r/qm9gmf0lse56&eom.* Participants are encouraged to use their computer's audio instead of phone lines, however the following toll number can be used:

U.S. Toll: 303.248.0285.

Access Code: 7207502.

If a Tribe would like to request government-to-government consultation regarding this rule, requests should be directed to RD's Native American Coordinator at *aian@wdc.usda.gov* or (720) 544–2911.

Registration: Registration is required for all sessions by sending an email to *rd.innovation@osec.usda.gov,* and listing your name, title, email, city, state, organization, and session location.

FOR FURTHER INFORMATION CONTACT: Michele Brooks at (202) 690–1078 or Jamie Davenport at (202) 720–0002. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

Individuals needing assistance with ReadyTalk should follow the Technical Support link in the ReadyTalk Meeting Lobby.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2017, Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) and on February 24, 2017, Executive Order 13777 (Enforcing the Regulatory Reform Agenda) were issued for action by the heads of all agencies. The Secretary of Agriculture and the respective USDA agencies, are working to implement the provisions of the Executive Orders to meet the needs of our customers and other stakeholders. In order to implement the provisions expeditiously and to ensure transparency, it is important to hear from stakeholders to be aware of their priorities and concerns.

Rural Development is considering the development of a common platform to deliver four guaranteed loan programs. A common platform will be developed to provide policies and procedures for guaranteed loan making and servicing, lender reporting, and program monitoring. The intent is to simplify, improve and enhance the delivery of the Community Program Guaranteed loan program, the Water and Waste Disposal Guaranteed loan program, the Business and Industry Guaranteed loan program, and the Rural Energy for America Program guaranteed loans. The OneRD Guaranteed loan platform is anticipated to provide the following benefits:

(1) Improve quality customer experience by streamlining and consolidating similar guaranteed loan programs;

(2) Advance economic development and access to capital by reducing complexities and redundancies;

(3) Improve operation efficiencies and cross-program coordination by enabling staff to learn all RD guaranteed loan programs;

(4) Enable RD to integrate innovation in the delivery of loan guarantees and align with industry lending practices; and

(5) Create a platform that paves the way for modern processing and servicing to improve portfolio management.

Request for Comment

Stakeholder input is vital to ensure that the OneRD Guaranteed loan platform will meet expectations and continue to support the mission of RD without overly burdening the agency's customers. Rural Development will hold the listening sessions as outlined in the **ADDRESSES** section of this notice to receive oral comments from stakeholders and the public. A written copy of the oral comments is requested. (See the **ADDRESSES** section above for information about submitting written comments.) In addition, those who do not wish to attend or speak at the listening session are invited to submit written comments.

The following questions and discussion items are provided as examples of topics stakeholders may wish to provide comment on. Rural Development welcomes pertinent comments that are beyond the scope of these questions. Rural Development is requesting comment and discussion on the following topics:

Automation/Application Process

1. What should the Agency do to simplify the application processes and standardize application requirements for its four loan guarantee programs?

a. Are there portions of the required application components, such as the detailed preliminary engineering report or parts of it, that should be streamlined?

2. The Agency is considering an online application intake system for all guaranteed loans.

a. What features would enhance your application submission experience?

b. Are there any best practices or software solutions that have been successfully incorporated by your lending institution?

c. In general, in the loan processing/servicing solution space, are there any practices or software shortcomings that the Agency should be aware of?

d. What software solutions have been the most effective to avoid data breaches and maintain the integrity of your online systems?

Capital Markets

What should the Agency consider that would enhance lenders' access to capital markets, improve market efficiencies and reduce risks of RD guaranteed loans sold on the secondary market?

Credit Evaluation

The Agency is considering amendments to key areas such as tangible balance sheet equity, format of financial statements, requirements for feasibility studies, and flexibility to consider project finance evaluation methods. Are there other credit evaluation enhancements which the Agency should consider that would better integrate existing lending practices into the OneRD Guaranteed loan platform?

Lenders

1. Should the Agency consider establishing a certified lender or preferred lender program? If so, what are suggested lender qualification requirements and program features?

2. The Agency is considering a common platform of requirements for non-regulated lenders aimed at ensuring maximum participation while incorporating renewal provisions to ensure portfolio integrity. What specific challenges have non-regulated lenders faced under the existing program?

Lender Financing Trends or Needs to be Considered

1. The OneRD Guaranteed loan platform aims to enhance flexibility across all included programs to support financing via the New Market Tax Credit (NMTC), investment tax credit (ITC), and other tax credit structures.

a. Are there additional flexibilities that the Agency should consider to enhance financing opportunities through NMTC, ITC and other tax credit programs?

b. What additional financing structures or trends are occurring that the Agency should be aware of to ensure maximum flexibility within the OneRD Guaranteed loan platform?

Miscellaneous

1. What other issues should the Agency consider when implementing the OneRD Guaranteed loan platform?

2. What do you find burdensome about our current processes?

Listening Sessions

Rural Development will hold the listening sessions on the dates listed in **DATES** section of this notices. Oral comments received from this listening session will be documented. All attendees of the listening sessions who submit oral comments are requested to submit a written copy to help Rural Development accurately capture public input. In addition, stakeholders and the public who do not wish to attend or speak at the listing session are invited to submit written comments which must be received by the date indicated in the **DATES** section of this notice.

At the listening sessions, the focus is for Rural Development to hear from the public; this is not a discussion with Rural Development officials or a question and answer session. As noted above, the purpose is to receive public input that Rural Development can factor into decisions it needs to make in order to implement the OneRD Guaranteed Loan platform.

Each listening session will begin with brief opening remarks from USDA leadership in Rural Development. Individual speakers providing oral comments are requested to be succinct (the agency reserves the right to announce a time limitation at the beginning of each session based on attendance) as we do not know at this time how many participants there will be. As noted above, we request that speakers providing oral comments also provide a written copy of their comments. (See the **ADDRESSES** section above for information about submitting written comments.) All stakeholders and interested members of the public are welcome to register to provide oral comments; however, if necessary due to the time constraints, a limited number will be selected on a first come, first serve basis.

During each of the listening sessions, those unable to participate in-person will be able to do so remotely via ReadyTalk web conferencing. Those participating through the ReadyTalk platform will be in listen only-mode, but will have the opportunity to submit comments via the Chat function. The Chat function will be moderated by USDA Rural Development.

Each listening session will produce an audio recording and transcript, both of which will be utilized in the rule-making process.

Instructions for Attending the Meetings

Space for attendance at the meetings are limited. Registration is required for those attending in person by sending an email to *rd.innovation@osec.usda.gov* with the following information:

- First Name
- Last Name
- Organization
- Title
- Email
- City
- State
- Session Attending.

Directions to get to the listening sessions, and how to provide comments is available by emailing *rd.innovation@osec.usda.gov.*

All written comments received will be publicly available on *www.regulations.gov.* If you require special accommodations, such as a sign language interpreter, use the contact information above. The listening session locations are accessible to persons with disabilities.

Dated: August 28, 2018.

Anne Hazlett,

Assistant to the Secretary, USDA Rural Development.

[FR Doc. 2018–19101 Filed 9–4–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–28–2018]

Foreign-Trade Zone (FTZ) 37—Orange County, New York; Authorization of Production Activity; Takasago International Corp. (U.S.A.), (Fragrances), Harriman, New York

On April 30, 2018, Takasago International Corp. (U.S.A.) submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 37—Site 10, in Harriman, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 20033, May 7, 2018). On August 28, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: August 28, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–19209 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–54–2018]

Foreign-Trade Zone (FTZ) 75—Phoenix, Arizona; Notification of Proposed Production Activity; Microchip Technology, Inc. (Semiconductor Devices and Related Products); Chandler and Tempe, Arizona

Microchip Technology, Inc. (Microchip) submitted a notification of proposed production activity to the FTZ Board for its facilities in Chandler and Tempe, Arizona. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 28, 2018.

Microchip already has authority to produce semiconductor devices and related products within Subzone 75H. The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Microchip from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Microchip would be able to choose the duty rates during customs entry procedures that apply to: Field programmable microcontrollers; application-specific processors; related memory products; and, application development tools (duty rate ranges from duty-free to 3%). Microchip would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: In-circuit debuggers; rubber caps; evaporative air coolers; antennas; plastic boxes, cases, crates, stoppers, lids and caps; memory modules—not incorporating a cathode ray tube; brushless DC electric motors; power supply, output < 50 watts; static converters; transformers; relay contactors; lamp-holder plugs; lamp sockets; electrical equipment for switching of electrical circuits; servo drive boards (for test floor probers); infrared lamps; printed circuit assemblies; coaxial cables; and, electrical conductors with fitted connections (duty rate ranges from duty-free to 5.3%). The request indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decision requires subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 15, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: August 29, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–19207 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Notice of Final Results of Antidumping Duty Changed Circumstances Review

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

SUMMARY: The Department of Commerce (Commerce) finds that Hyundai Electric & Energy Systems Co., Ltd. (HEES) is the successor-in-interest to Hyundai Heavy Industries Co., Ltd. (HHI) and that HHI's current cash deposit rate is the applicable rate for all entries of the subject merchandise exported by HEES. In addition, we determine that facts presented in this changed circumstances review (CCR) warrant the retroactive application of the cash deposit rate to the effective date of the first entry by HEES.

DATES: Applicable September 5, 2018.

FOR FURTHER INFORMATION CONTACT: John C. McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3019.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 2012, Commerce published in the **Federal Register** an antidumping duty order on large power transformers (LPTs) from the Republic of Korea (Korea).[1] HHI was one of the producers/exporters reviewed in the less-than fair-value investigation and has been reviewed in each subsequent administrative review of the *Order.* During the 2014–2015 administrative review, covering the period August 1, 2014, through July 31, 2015, Commerce assigned HHI an antidumping duty rate of 60.81 percent, finding that the application of total adverse facts available (AFA) was warranted.[2] In addition, during the 2015–2016 administrative review, covering the period August 1, 2015, through July 31, 2016, Commerce continued to assign HHI an antidumping duty rate of 60.81 percent, finding that the application of total AFA was warranted.[3]

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(d), on December 4, 2017, Commerce self-initiated a CCR regarding HHI's new spin off company, HEES, based on information obtained: (1) During the course of the 2014/2015 and 2015/2016 administrative reviews; (2) *via* public search and a phone conversation with a representative retained by ABB Inc.'s (ABB's or the petitioner's) counsel; and (3) from U.S. Customs and Border Protection (CBP) data.[4]

On May 31, 2018, Commerce issued the *Preliminary Results* of this CCR, in which it determined that: (1) HEES is the successor-in-interest to HHI; (2) HHI's current cash deposit rate is the rate applicable for all entries of LPTs exported by HEES; and (3) the application of the cash deposit rate applicable to HEES shall be made

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[1] *See Large Power Transformers from the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012) (the *Order*).

[2] *See Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review;* 2014–2015, 82 FR 13432 (March 13, 2017) (*2014/2015 Final Results*).

[3] *See Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review;* 2015–2016, 83 FR 11679 (March 16, 2018) (*2015–2016 Final Results*).

[4] *See Large Power Transformers from the Republic of Korea: Initiation of Antidumping Duty Changed Circumstances Review,* 82 FR 57210 (December 4, 2017) (*Initiation Notice*).

retroactively to the effective date of the first entry by HEES.[5]

On July 6, 2018, Hyundai submitted comments regarding the *Preliminary Results*.[6] On July 13, 2018, ABB submitted its rebuttal brief.[7]

Scope of the Order

The scope of this *Order* covers large liquid dielectric power transformers having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

Incomplete LPTs are subassemblies consisting of the active part and any other parts attached to, imported with or invoiced with the active parts of LPTs. The ''active part'' of the transformer consists of one or more of the following when attached to or otherwise assembled with one another: The steel core or shell, the windings, electrical insulation between the windings, the mechanical frame for an LPT.

The product definition encompasses all such LPTs regardless of name designation, including but not limited to step-up transformers, step-down transformers, autotransformers, interconnection transformers, voltage regulator transformers, rectifier transformers, and power rectifier transformers.

The LPTs subject to this *Order* are currently classifiable under subheadings 8504.23.0040, 8504.23.0080, and 8504.90.9540 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

Analysis of Comments Received

The issue raised in the case and rebuttal briefs by parties to this CCR is addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[8] A list of the topics discussed in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024, of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Changed Circumstances Review

Based on the record evidence and our analysis of the comments received, Commerce continues to find that applying HHI's current cash deposit rate of 60.81 percent retroactively to the effective date of the first entry of HEES, HHI's successor-in-interest, is warranted.[9]

Instructions to U.S. Customs and Border Protection

As a result of this determination, Commerce will instruct CBP to collect estimated antidumping duties for all shipments of the subject merchandise produced and/or exported by HEES and entered, or withdrawn from warehouse, for consumption on or after the date of the first entry made by HEES at the 60.81 percent rate established in the 2014–2015 and 2015–2016 antidumping duty administrative reviews. This cash deposit requirement shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the 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.

We are issuing and publishing this final results notice in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 351.221(b)(5), and 351.221(c)(3).

Dated: August 28, 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.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of Interested Party Comments
Comment: Whether Retroactive Application of a Cash Deposit Rate to a Successor-in-Interest Is Permitted by Law and Consistent With Commerce's Practice
V. Recommendation

[FR Doc. 2018–19210 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–090]

Certain Steel Wheels 12 to 16.5 Inches in Diameter From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable August 28, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Jonathan Cornfield at (202) 482–4474 or (202) 482–3855, respectively; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On August 8, 2018, the U.S. Department of Commerce (Commerce) received an antidumping duty (AD) Petition concerning imports of certain steel wheels 12 to 16.5 inches in diameter (certain steel wheels) from the People's Republic of China (China), filed in proper form on behalf of Dexstar Wheel, a division of Americana Development, Inc. (the petitioner), which is a domestic producer of certain

[5] *See Large Power Transformers from the Republic of Korea: Notice of Preliminary Results of Antidumping Duty Changed Circumstances Review,* 83 FR 24973 (May 31, 2018) (*Preliminary Results*) and the accompanying Preliminary Decision Memorandum.

[6] HHI and HEES are collectively referred to as Hyundai. *See* Letter from Hyundai to Commerce, ''Large Power Transformers from Korea: Hyundai's Case Brief,'' dated July 6, 2018.

[7] *See* Letter from the petitioner to Commerce, ''Large Power Transformers from the Republic of Korea: Petitioner's Rebuttal Brief,'' dated July 13, 2018.

[8] *See* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Final Results of Changed Circumstances Review Regarding Successor-In-Interest Analysis: Large Power Transformers from the Republic of Korea,'' dated concurrently with this notice (Issues and Decision Memorandum).

[9] *See* Issues and Decision Memorandum.

steel wheels.[1] The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of certain steel wheels from China.

On August 10, 2018, Commerce requested supplemental information pertaining to certain aspects of the Petition in two separate supplemental questionnaires, one dealing with general issues with the Petition and the other with issues related to Volume II of the Petition (*i.e.,* the AD allegation).[2]

The petitioner filed its responses to the supplemental questionnaires on August 14 and August 15, 2018.[3] On August 17, 2018, we spoke with the counsel to the petitioner regarding the scope language and its August 14 and August 15, 2018, submissions, requesting further clarification to certain responses.[4] On August 20, 2018, the petitioner responded to Commerce's August 17 request for supplemental information, including further clarification of the scope language.[5] On August 28, 2018, we again spoke with counsel to the petitioner, notifying counsel of a change to the index used to adjust the labor rate in the margin calculation.[6]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of certain steel wheels from China are being, or are likely to be, sold in the United States at less-than-fair-value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing certain steel wheels in the United States. Consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegation.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the requested AD investigation.[7]

Period of Investigation

Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is January 1, 2018, through June 30, 2018.

Scope of the Investigation

The product covered by this investigation is certain steel wheels 12 to 16.5 inches in diameter from China. For a full description of the scope of this investigation, *see* the Appendix to this notice.

Scope Comments

During our review of the Petition, Commerce contacted the petitioner regarding the proposed scope language to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[8] As a result of the petitioner's submissions, the scope of the Petition was modified to clarify the description of merchandise covered by the Petition. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[9] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[10] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit scope comments by 5:00 p.m. Eastern Time (ET) on September 17, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on September 27, which is 10 calendar days from the initial comments deadline.[11]

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaire

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of certain steel wheels to be reported in response to Commerce's AD

[1] *See* the petitioner's letter, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12–16.5 Inches in Diameter from the People's Republic of China,'' dated August 8, 2018 (the Petition).

[2] *See* Commerce's letters, both titled, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Supplemental Questions,'' both dated August 10, 2018 (AD Supplemental Questionnaire and General Issues Supplemental Questionnaire).

[3] *See* the petitioner's letters, ''Petitioner's Response to the Department of Commerce's August 10, 2018 Supplemental Questions, regarding the Petition for the Imposition of Antidumping Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China,'' dated August 14, 2018 (AD Supplement), and ''Petitioner's Response to the Department of Commerce's August 10, 2018 General Issues Questionnaire Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China,'' dated August 15, 2018 (General Issues Supplement).

[4] *See* memorandum to the file, ''Phone Call with Counsel to the Petitioner,'' dated August 17, 2018.

[5] *See* the petitioner's letter, ''Petitioner's Response to the Department of Commerce's August 17, 2018 Additional Questions Regarding the Petitions for the Imposition of antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China,'' dated August 20, 2018 (Second General Issues and AD Supplement).

[6] *See* memorandum to the file, ''Phone Call with Counsel to the Petitioner: Valuation of Labor,'' dated August 28, 2018.

[7] *See* the ''Determination of Industry Support for the Petition'' section, *infra.*

[8] *See* General Issues Supplement, at 2–5 and Exhibit SGQ–2 (Revised Scope); *see also* Second General Issues and AD Supplement, at 1–2 and Exhibit SQR2–1 (Revised Scope).

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b).

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

questionnaire. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all product characteristics comments must be filed by 5:00 p.m. ET on September 17, 2018, which is 20 calendar days from the signature date of this notice.[13] Any rebuttal comments must be filed by 5:00 p.m. ET on September 27, 2018. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the China LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[14] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[15]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[16] Based on our analysis of the information submitted on the record, we have determined that certain steel wheels, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[17]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2017.[18] In addition, the petitioner provided a letter of support from American Wheel Corporation, stating that the company supports the Petition and providing its own production of the domestic like product in 2017.[19] The petitioner identifies itself and American Wheel Corporation as the only companies constituting the U.S. certain steel wheels industry and states that there are no other known producers of certain steel wheels in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[20]

Our review of the data provided in the Petition, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[21] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[23] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[24] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act, and it has demonstrated sufficient industry support with respect to the AD

[13] *See* 19 CFR 351.303(b).

[14] *See* section 771(10) of the Act.

[15] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[16] *See* Volume I of the Petition, at I–6 through I–8.

[17] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* memorandum, ''Antidumping Duty Investigation Initiation Checklist: Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China'' (China AD Initiation Checklist), at Attachment II, (Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[18] *See* Volume I of the Petition, at I–9, I–31 and Exhibit I–11.

[19] *See* Volume I of the Petition, at I–9 and Exhibit I–2.

[20] *Id.* at I–2, I–9 and Exhibit I–1; *see also* General Issues Supplement, at SGQ–5 and Exhibit SGQ–5.

[21] *Id.*

[22] *Id.; see also* section 732(c)(4)(D) of the Act.

[23] *See* China AD Initiation Checklist, at Attachment II.

[24] *Id.*

investigation that it is requesting that Commerce initiate.[25]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[26]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and lost revenues; decline in production, U.S. shipments, and capacity utilization; decline in production-related workers and hours worked; decline in capital expenditures; and negative impact on financial performance.[27] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate an AD investigation of imports of certain steel wheels from China. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the China AD Initiation Checklist.

Export Price

The petitioner based U.S. export price (EP) on price lists for certain steel wheels offered for export to the United States by a Chinese producer and exporter of certain steel wheels.[29] The petitioner made deductions from U.S. price for movement expenses, consistent with the terms of sale.[30]

Normal Value

Commerce considers China to be an NME country.[31] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by Commerce. Therefore, we continue to treat China as an NME country for purposes of the initiation of this investigation. Accordingly, NV in China is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.[32]

The petitioner claims that Romania is an appropriate surrogate country for China because it is a market economy country that is at a level of economic development comparable to that of China and it is a significant producer of comparable merchandise.[33] The petitioner provided publicly available information from Romania to value all FOPs.[34] Therefore, based on the information provided by the petitioner, we determine that it is appropriate to use Romania as the primary surrogate country for initiation purposes.[35]

Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

Based on its assertion that information regarding the FOPs and volume of inputs consumed by Chinese producers/exporters of certain steel wheels was not reasonably available to the petitioner, the petitioner used its own consumption rates to estimate the Chinese manufacturers' FOPs.[36] The petitioner stated that consumption rates for the Chinese FOPs are similar to those experienced by the petitioner, and as such, the petitioner used its own inputs and consumption rates to estimate the Chinese manufacturers' FOPs.[37] In addition, the petitioner valued the estimated FOPs using surrogate values from Romania,[38] and used the average POI exchange rate to convert surrogate values expressed in euros to U.S. dollars.[39]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of certain steel wheels from China are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for certain steel wheels from China are 30.48–44.35 percent.[40]

Initiation of LTFV Investigation

Based upon the examination of the Petition, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of certain steel wheels from China are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

The petitioner named 36 producers/exporters as accounting for the majority of exports of certain steel wheels to the United States from China.[41] In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to this investigation. In the event Commerce determines that it cannot individually examine each company, where appropriate, Commerce intends to select mandatory respondents based on the responses received to its Q&V questionnaire. Commerce will request Q&V information from known exporters

[25] *Id.*

[26] *See* Volume I of the Petition, at I–19 through I–21 and Exhibit I–8.

[27] *Id.* at I–15 through I–42 and Exhibits I–2, I–6, I–8, I–10, I–11, I–14 through I–16; *see also* General Issues Supplement, at SGQ–5, SGQ–6 and Exhibit SGQ–6.

[28] *See* China AD Initiation Checklist at Attachment III (Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China).

[29] *See* China AD Initiation Checklist.

[30] *Id.*

[31] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum to Gary Taverman, ''China's Status as a Non-Market Economy,'' dated October 26, 2017), unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 83 FR 9282 (March 5, 2018).

[32] *See* China AD Initiation Checklist.

[33] *See* AD Supplement at 3–4 and Exhibit S–II–4(B).

[34] *See* Volume II of the Petition at 10 and Exhibit II–9; *see also* AD Supplement at Exhibits S–II–2, S–II–3(B), and S–II–7; and Second General Issues and AD Supplement at Exhibits SQR2–2 through SQR2–6.

[35] *See* China AD Initiation Checklist.

[36] *See* Volume II of the Petition at 13 and Exhibit II–5(A).

[37] *Id.*

[38] *Id.* at Exhibit II–9; *see also* AD Supplement at Exhibits II–2, II–3(B) and S–II–7; *see also* Second General Issues and AD Supplement at Exhibits SQR2–2 through SQR2–6.

[39] *See* Volume II of the Petition at Exhibit II–9.

[40] *See* Second General Issues and AD Supplement at Exhibit SQR2–7; *see also* China AD Initiation Checklist at Attachment V.

[41] *See* Volume I of the Petition at Exhibit I–6; *see also* General Issues Supplement, at SGQ–1 and Exhibit SGQ–1.

and producers identified with complete contact information in the Petition. In addition, Commerce will post the Q&V questionnaires along with filing instructions on Enforcement and Compliance's website at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of certain steel wheels from China that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy of the Q&V questionnaire from Enforcement & Compliance's website. The Q&V questionnaire response must be submitted by the relevant Chinese exporters/producers no later than 5:00 p.m. ET on September 11, 2018, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[42] The specific requirements for submitting a separate-rate application in this investigation are outlined in detail in the application itself, which is available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[43] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that companies from China submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V questionnaire response will not receive separate-rate consideration.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[44]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the government of China *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of certain steel wheels from China are materially injuring or threatening material injury to a U.S. industry.[45] A negative ITC determination will result in the investigation being terminated.[46] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[47] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[48] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[49] Parties must use the certification formats provided in 19 CFR

[42] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[43] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[44] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[45] *See* section 733(a) of the Act.

[46] *Id.*

[47] *See* 19 CFR 351.301(b).

[48] *See* 19 CFR 351.301(b)(2).

[49] *See* section 782(b) of the Act.

351.303(g).[50] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 28, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The scope of this investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires with a nominal wheel diameter of 12 inches to 16.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 12 inches to 16.5 inches within the scope are generally for road and highway trailers and other towable equipment, including, *inter alia,* utility trailers, cargo trailers, horse trailers, boat trailers, recreational trailers, and towable mobile homes. The standard widths of certain on-the-road steel wheels are 4 inches, 4.5 inches, 5 inches, 5.5 inches, 6 inches, and 6.5 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope.

The scope includes rims and discs for certain on-the-road steel wheels, whether imported as an assembly, unassembled, or separately. The scope includes certain on-the-road steel wheels regardless of steel composition, whether cladded or not cladded, whether finished or not finished, and whether coated or uncoated. The scope also includes certain on-the-road steel wheels with discs in either a ''hub-piloted'' or ''stud-piloted'' mounting configuration, though the stud-piloted configuration is most common in the size range covered.

All on-the-road wheels sold in the United States must meet Standard 110 or 120 of the National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standards, which requires a rim marking, such as the ''DOT'' symbol, indicating compliance with applicable motor vehicle standards. *See* 49 CFR 571.110 and 571.120. The scope includes certain on-the-road steel wheels imported with or without NHTSA's required markings.

Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem or rims imported as an assembly with a tire mounted on the rim and/or with a valve stem are included in the scope of this investigation. However, if the steel wheels or rims are imported as an assembly with a tire mounted on the wheel or rim and/or with a valve stem attached, the tire and/or valve stem is not covered by the scope.

Excluded from this scope are the following:

(1) Steel wheels for use with tube-type tires; such tires use multi piece rims, which are two-piece and three-piece assemblies and require the use of an inner tube;

(2) aluminum wheels;

(3) certain on-the-road steel wheels that are coated entirely with chrome; and

(4) steel wheels that do not meet Standard 110 or 120 of the NHTSA's requirements other than the rim marking requirements found in 49 CFR 571.110S4.4.2 and 571.120S5.2.

Certain on-the-road steel wheels subject to this investigation are properly classifiable under the following category of the Harmonized Tariff Schedule of the United States (HTSUS): 8716.90.5035 which covers the exact product covered by the scope whether entered as an assembled wheel or in components. Certain on-the-road steel wheels entered with a tire mounted on them may be entered under HTSUS 8716.90.5059 (Trailers and semi-trailers; other vehicles, not mechanically propelled, parts, wheels, other, wheels with other tires) (a category that will be broader than what is covered by the scope). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2018–19206 Filed 9–4–18; 8:45 am]

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[50] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–091]

Certain Steel Wheels 12 to 16.5 Inches in Diameter From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

DATES: Applicable August 28, 2018.

FOR FURTHER INFORMATION CONTACT: Keith Haynes at (202) 482–5139 or Emily Halle at (202) 482–0176, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On August 8, 2018, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) Petition concerning imports of certain steel wheels 12 to 16.5 inches in diameter (certain steel wheels) from the People's Republic of China (China), filed in proper form on behalf of Dexstar Wheel, a division of Americana Development, Inc. (the petitioner), which is a domestic producer of certain steel wheels.[1] The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of certain steel wheels from China.

On August 10, 2018, Commerce requested supplemental information pertaining to certain aspects of the Petition in two separate supplemental questionnaires, one dealing with general issues with the Petition and the other with issues related to Volume III of the Petition (*i.e.,* the CVD allegation).[2]

The petitioner filed its responses to the supplemental questionnaires on August 15, 2018.[3] On August 17, 2018, we spoke with the petitioner regarding the scope language submitted in its August 15, 2018, submission.[4] On August 20, 2018, the petitioner filed an amendment to the scope, further clarifying the scope language.[5]

[1] *See* the petitioner's letter, ''Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 inches in Diameter from the People's Republic of China,'' dated August 8, 2018 (the Petition).

[2] *See* Commerce's letters, ''Petition for the Imposition of Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Supplemental Questions'' (CVD Deficiency Questionnaire), and ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: Supplemental Questions'' (General Issues Deficiency Questionnaire), each dated August 10, 2018.

[3] *See* the petitioner's letters, ''Certain Steel Wheels 12 To 16.5 inches in Diameter from the People's Republic of China (C–570–091): Petitioners' Response to Commerce's August 10, 2018 Supplemental Questionnaire Regarding the Countervailing Duty Petition'' (CVD Supplement) and ''Petitioners' Response to Commerce's August 10, 2018 General Issues Questionnaire Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels from the People's Republic of China,'' (General Issues Supplement), each dated August 15, 2018.

[4] *See* memorandum, ''Phone Call with Counsel to the Petitioner,'' dated August 17, 2018.

[5] *See* the petitioner's letter, ''Petitioner's Response to the Department of Commerce's August 17, 2018 Additional Questions Regarding the Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China,'' dated August 20, 2018 (Second Scope and AD Supplement).

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of certain steel wheels in China and that imports of such products are materially injuring, or threatening material injury to, the domestic industry producing certain steel wheels in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support necessary for the initiation of the requested CVD investigation.[6]

Period of Investigation

Because the Petition was filed on August 8, 2018, the period of investigation is January 1, 2017, through December 31, 2017.

Scope of the Investigation

The product covered by this investigation is certain steel wheels 12 to 16.5 inches in diameter from China. For a full description of the scope of this investigation, *see* the Appendix to this notice.

Scope Comments

During our review of the Petition, Commerce contacted the petitioner regarding the proposed scope language to ensure that the scope language in the Petition is an accurate reflection of the products for which the domestic industry is seeking relief.[7] As a result of the petitioner's submissions, the scope of the Petition was modified to clarify the description of merchandise covered by the Petition. The description of the merchandise covered by this initiation, as described in the Appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[8] Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on September 17, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on September 27, 2018, which is 10 calendar days from the initial comments deadline.[10]

Commerce requests that any factual information parties consider relevant to the scope of the investigation be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified representatives of the GOC of the receipt of the Petition and provided them the opportunity for consultations with respect to the CVD Petition.[12] The GOC did not request consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such

[6] *See* ''Determination of Industry Support for the Petition'' section, *infra.*

[7] *See* General Issues Supplement, at 2–5 and Exhibit SGQ–2 (Revised Scope); *see also* August 20 Petition Supplement, at 1–2 and Exhibit SQR2–1 (Revised Scope).

[8] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[9] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[10] *See* 19 CFR 351.303(b).

[11] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). *See also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[12] *See* Commerce letter, ''Countervailing Duty Petition on Certain Steel Wheels 12 to 16.5 inches in Diameter from the People's Republic of China,'' dated August 9, 2018.

[13] *See* section 771(10) of the Act.

differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation.[15] Based on our analysis of the information submitted on the record, we have determined that certain steel wheels, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[16]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. To establish industry support, the petitioner provided its own production of the domestic like product in 2017.[17] In addition, the petitioner provided a letter of support from American Wheel Corporation, stating that the company supports the Petition and providing its own production of the domestic like product in 2017.[18] The petitioner identifies itself and American Wheel Corporation as the only companies constituting the U.S. certain steel wheels industry and states that there are no other known producers of certain steel wheels in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[19]

Our review of the data provided in the Petition, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[20] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[21] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[22] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[23] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act, and it has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting that Commerce initiate.[24]

Injury Test

Because China is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share; underselling and price depression or suppression; lost sales and lost revenues; decline in production, U.S. shipments, and capacity utilization; decline in production-related workers and hours worked; decline in capital expenditures; and negative impact on financial performance.[26] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[27]

Initiation of CVD Investigation

Based on the examination of the Petition, we find that the Petition meets the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of certain steel wheels from China benefit from countervailable subsidies conferred by the GOC. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all of the subsidy programs alleged in the Petition, with certain limitations. For a full discussion of the basis for our decision to initiate on each program, *see* China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] *See* Volume I of the Petition, at I–6 through I–8.

[16] For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, *see* memorandum, ''Countervailing Duty Investigation Initiation Checklist: Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China'' (China CVD Initiation Checklist), at Attachment II (Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[17] *See* Volume I of the Petition at I–9, I–31 and Exhibit I–11.

[18] *Id.* at I–9 and Exhibit I–2.

[19] *Id.* at I–2, I–9 and Exhibit I–1; *see also* General Issues Supplement, at SGQ–5 and Exhibit SGQ–5.

[20] *Id.*

[21] *Id.; see also* section 702(c)(4)(D) of the Act.

[22] *See* China CVD Initiation Checklist, at Attachment II.

[23] *Id.*

[24] *Id.*

[25] *See* Volume I of the Petition, at I–19 through I–21 and Exhibit I–8.

[26] *Id.* at I–15 through I–42 and Exhibits I–2, I–6, I–8, I–10, I–11, I–14 through I–16; *see also* General Issues Supplement, at SGQ–5, SGQ–6 and Exhibit SGQ–6.

[27] *See* China CVD Initiation Checklist at Attachment III (Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China).

Respondent Selection

The petitioner named 36 producers/exporters as accounting for the majority of exports of certain steel wheels to the United States from China.[28] In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of certain steel wheels from China during the POI under the appropriate Harmonized Tariff Schedule of the United States numbers listed in the ''Scope of the Investigation,'' in the Appendix. On August 21, 2018, we released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[29] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Commerce's website at *http://enforcement.trade.gov/apo.*

Comments regarding respondent selection must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date established by Commerce. We intend to finalize our decisions regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public versions of the Petition have been provided to the GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of certain steel wheels from China are materially injuring, or threatening material injury to, a U.S. industry.[30] A negative ITC determination will result in the investigation being terminated.[31] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[32] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[33] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[34] Parties must use the certification formats provided in 19 CFR 351.303(g).[35] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act and 19 CFR 351.203(c).

[28] *See* General Issues Supplemental at Exhibit SGQ–1.

[29] *See* memorandum, ''Countervailing Duty Investigation of Certain Steel Wheels 12 to 16.5 Inches in Diameter from the People's Republic of China: U.S. Customs and Border Protection Entry Data,'' dated August 21, 2018.

[30] *See* section 703(a)(2) of the Act.

[31] *See* section 703(a)(1) of the Act.

[32] *See* 19 CFR 351.301(b).

[33] *See* 19 CFR 351.301(b)(2).

[34] *See* section 782(b) of the Act.

[35] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

Dated: August 28, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation is certain on-the-road steel wheels, discs, and rims for tubeless tires with a nominal wheel diameter of 12 inches to 16.5 inches, regardless of width. Certain on-the-road steel wheels with a nominal wheel diameter of 12 inches to 16.5 inches within the scope are generally for road and highway trailers and other towable equipment, including, *inter alia,* utility trailers, cargo trailers, horse trailers, boat trailers, recreational trailers, and towable mobile homes. The standard widths of certain on-the-road steel wheels are 4 inches, 4.5 inches, 5 inches, 5.5 inches, 6 inches, and 6.5 inches, but all certain on-the-road steel wheels, regardless of width, are covered by the scope.

The scope includes rims and discs for certain on-the-road steel wheels, whether imported as an assembly, unassembled, or separately. The scope includes certain on-the-road steel wheels regardless of steel composition, whether cladded or not cladded, whether finished or not finished, and whether coated or uncoated. The scope also includes certain on-the-road steel wheels with discs in either a ''hub-piloted'' or ''stud-piloted'' mounting configuration, though the stud-piloted configuration is most common in the size range covered.

All on-the-road wheels sold in the United States must meet Standard 110 or 120 of the National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standards, which requires a rim marking, such as the ''DOT'' symbol, indicating compliance with applicable motor vehicle standards. *See* 49 CFR 571.110 and 571.120. The scope includes certain on-the-road steel wheels imported with or without NHTSA's required markings.

Certain on-the-road steel wheels imported as an assembly with a tire mounted on the wheel and/or with a valve stem or rims imported as an assembly with a tire mounted on the rim and/or with a valve stem are included in the scope of this investigation. However, if the steel wheels or rims are imported as an assembly with a tire mounted on the wheel or rim and/or with a valve stem attached, the tire and/or valve stem is not covered by the scope.

Excluded from this scope are the following:

(1) Steel wheels for use with tube-type tires; such tires use multi piece rims, which are two-piece and three-piece assemblies and require the use of an inner tube;

(2) aluminum wheels;

(3) certain on-the-road steel wheels that are coated entirely with chrome; and

(4) steel wheels that do not meet Standard 110 or 120 of the NHTSA's requirements other than the rim marking requirements found in 49 CFR 571.110S4.4.2 and 571.120S5.2.

Certain on-the-road steel wheels subject to this investigation are properly classifiable under the following category of the Harmonized Tariff Schedule of the United States (HTSUS): 8716.90.5035 which covers the exact product covered by the scope whether entered as an assembled wheel or in components. Certain on-the-road steel wheels entered with a tire mounted on them may be entered under HTSUS 8716.90.5059 (Trailers and semi-trailers; other vehicles, not mechanically propelled, parts, wheels, other, wheels with other tires) (a category that will be broader than what is covered by the scope). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

[FR Doc. 2018–19205 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before September 25, 2018. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 17–019. Applicant: University of California, Berkeley, 100 Hearst Memorial Mining Building, Berkeley, CA 94720. Instrument: High Field Cryogen-Free Measurement System (CFMS) for Precision Measurement of Physical Properties. Manufacturer: Cryogenic US, LLC, United Kingdom. Intended Use: The instrument will be used to study thin films of metal-oxides for advanced oxide-based electronic devices, magnetic and electrical properties of oxide materials and devices at low temperatures and/or high magnetic fields. Angle dependent magnetoelectric properties of the devices will be explored on multiple axes. The investigations done with this instrument will lead to advancement of understanding of the properties of metal-oxide thin films and their interfaces for new generation of oxide-based microelectronic devices. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: October 5, 2017.

Dated: August 28, 2018.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2018–19208 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Review and Derivation Proceedings

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995 invites comments on a proposed extension of an existing information collection: 0651–0069 (Patent Review and Derivation Proceedings).

DATES: Written comments must be submitted on or before November 5, 2018.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0069 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Michael P. Tierney, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Michael P. Tierney, Vice Chief Administrative Patent Judge, Patent Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–4676; or by email to *Michael.Tierney@uspto.gov* with ''0651–0069 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The Leahy-Smith America Invents Act, which was enacted into law on

September 16, 2011, provided for many changes to the procedures of the Patent Trial and Appeal Board (''PTAB'' or ''Board'', formerly the Board of Patent Appeals and Interferences) procedures. These changes included the introduction of *inter partes* review, post-grant review, derivation proceedings, and the transitional program for covered business method patents. Under these administrative trial proceedings, third parties may file a petition with the PTAB challenging the validity of issued patents, with each proceeding having different requirements regarding timing restrictions, grounds for challenging validity, and who may request review.

Inter partes review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent only on a ground that could be raised under §§ 102 or 103, and only on the basis of prior art consisting of patents or printed publications. Post grant review is a trial proceeding conducted at the Board to review the patentability of one or more claims in a patent on any ground that could be raised under § 282(b)(2) or (3). A derivation proceeding is a trial proceeding conducted at the Board to determine whether (1) an inventor named in an earlier application derived the claimed invention from an inventor named in the petitioner's application, and (2) the earlier application claiming such invention was filed without authorization. The transitional program for covered business method patents is a trial proceeding conducted at the Board to review the patentability of one or more claims in a covered business method patent.

This collection covers information submitted by the public to petition the Board to initiate an *inter partes* review, post-grant review, derivation proceeding, and the transitional program for covered business method patents, as well as any responses to such petitions, and the filing of any motions, replies, oppositions, and other actions, after a review/proceeding has been instituted.

II. Method of Collection

Electronically, if applicants submit the information using the PTAB End-to-End (PTAB E2E). Applicants may submit information via email if PTAB E2E is unavailable.

III. Data

OMB Number: 0651–0069.

IC Instruments and Forms: N/A.

Type of Review: Extension of an existing information collection.

Affected Public: Business or other for-profit organizations; individuals or households; not-for-profit institutions; Federal Government; and state, local, or tribal governments.

Estimated Number of Respondents: 11,994 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public between an estimated 6 minutes (0.10 hours) to 165.30 hours to complete an individual form in this collection.

Estimated Total Annual Respondent Burden Hours: 1,474,449 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $645,808,793. The USPTO expects that attorneys will complete the instruments associated with this information collection. The professional hourly rate for intellectual property attorneys in privates firms is $438 as established by estimates in the 2017 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $645,808,793 per year.

IC No.	Item	Estimated response time (hours) (a)	Estimated responses (b)	Estimated burden hours (a) × (b) = (c)	Rate (d)	Estimated cost burden (c) × (d) = (e)
1	Petition for *Inter Partes* Review	124	1,553	192,572.00	$438.00	$84,346,536.00
2	Petition for Post-Grant Review or Covered Business Method Patent Review.	165.30	91	15,042.30	438.00	6,588,527.40
3	Petition for Derivation	165.30	11	1,818.30	438.00	796,415.40
4	Patent Owner Preliminary Response to Petition for Initial *Inter Partes* Review.	91.60	1,333	122,102.80	438.00	53,481,026.40
5	Patent Owner Preliminary Response to Petition for Initial Post-Grant Review or Covered Business Method Patent Review.	91.60	68	6,228.80	438.00	2,728,214.40
6	Request for Rehearing	80	322	25,760.00	438.00	11,282,880.00
7	Motions, Replies, and Oppositions After Institution in *Inter Partes* Review.	158	6,482	1,024,156.00	438.00	448,580,328.00
8	Motions, Replies, and Oppositions After Institution in Post-Grant Review or Covered Business Method Review.	148	245	36,260.00	438.00	15,881,880.00
9	Motions, Replies, and Oppositions After Institution in Derivation Proceedings.	120	7	840.00	438.00	367,920.00
10	Request for Oral Hearing	18.30	727	13,304.10	438.00	5,827,195.80
11	Request to Treat a Settlement as Business Confidential.	2	356	712.00	438.00	311,856.00
12	Settlement	100	356	35,600.00	438.00	15,592,800.00
13	Arbitration Agreement and Award	4	2	8.00	438.00	3,504.00
14	Request to Make a Settlement Agreement Available.	1	1	1.00	438.00	438.00

IC No.	Item	Estimated response time (hours) (a)	Estimated responses (b)	Estimated burden hours (a) × (b) = (c)	Rate (d)	Estimated cost burden (c) × (d) = (e)
15	Notice of Judicial Review of a Board Decision (*e.g.*, Notice of Appeal Under 35 U.S.C. 142).	0.10	440	44.00	438.00	19,272.00
Total			11,994	1,474,449.30		645,808,793.40

Estimated Total Annual (Non-hour) Respondent Cost Burden: $54,307,175. There are no capital start-up, maintenance, or postage associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees.

Filing Fees

The filing fees associated with this information collection are listed in the table below:

IC No.	Item	Responses (a)	Filing fees (b)	Total cost (a) × (b) = (c)
1	*Inter Partes* Review Request Fee	1,560	$15,500.00	$24,180,000.00
1	*Inter Partes* Post-Institution Fee	1,569	15,000.00	23,535,000.00
1	*Inter Partes* Review Request of Each Claim in Excess of 20	3,390	300.00	1,017,000.00
1	*Inter Partes* Post-Institution Request of Each Claim in Excess of 15	1,786	600.00	1,071,600.00
2	Post-Grant or Covered Business Method Review Request Fee—Up to 20 Claims.	92	16,000.00	1,472,000.00
2	Post-Grant or Covered Business Method Review Post-Institution Fee—Up to 15 Claims.	92	22,000.00	2,024,000.00
2	Post-Grant or Covered Business Method Review Request of Each Claim in Excess of 20.	638	375.00	239,250.00
2	Post-Grant or Covered Business Method Review Post-Institution Fee of Each Claim in Excess of 15.	925	825.00	763,125.00
3	Petition for Derivation	12	400.00	4,800.00
14	Request to Make a Settlement Agreement Available	1	400.00	400.00
Total				54,307,175.00

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They also will become a matter of public record.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO United States Patent and Trademark Office.

[FR Doc. 2018–19202 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Matters Related to First Inventor To File

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act, invites comments on a proposed extension of an existing information collection: 0651–0069 (Matters Relating to First Inventor to File).

DATES: Written comments must be submitted on or before November 5, 2018.

ADDRESSES: Written comments may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0071 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email to *Raul.Tamayo@uspto.gov* with ''0651–0071 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent System uses a 'first to file' system, as introduced by the Leahy-Smith America Invents Act (AIA) in 2011. To determine the first inventor to file, information is needed in order to identify the inventorship and ownership, or obligation to assign ownership, of each claimed invention on its effective filing date.

This collection covers information gathered on various forms or submissions used by the USPTO to determine the first inventor to file. One form, required by 37 CFR 1.55(k), 1.78(a)(6) and 1.78(d)(6) provides information needed to assist the USPTO in determining whether an application is subject to 35 U.S.C. 102 and 103 as amended by Section 3 of the AIA, or 35 U.S.C. 102 and 103 as was in effect on March 15, 2013. Additional information provided to USPTO (37 CFR 1.110) identifies the inventorship and ownership, or obligation to assign ownership, of each claimed invention on its effective filing date (as defined in § 1.109) or on its date of invention, as applicable, in an application or patent naming one or more joint inventors, when necessary for purposes of a USPTO proceeding.

Applications may also need to submit additional affidavits or declarations (37 CFR 1.130, 1.131, and 1.132) for several possible situations:

(i) To show that a disclosure was by the inventor or joint inventor, or was by a party who obtained the subject matter from the inventor or a joint inventor (1.130),

(ii) to show that there was a prior public disclosure by the inventor or a joint inventor, or by a party who obtained the subject matter from the inventor or a joint inventor (1.130),

(iii) to establish prior invention or to disqualify a commonly owned patent or published application as prior art (1.131), or

(iv) to submit evidence to traverse a rejection or objection on a basis not otherwise provided for (1.132).

II. Method of Collection

The USPTO anticipates both electronic and paper submissions in this collection; electronically when using the USPTO online filing system EFS-Web, or by mail, facsimile, or hand delivery.

III. Data

OMB Number: 0651–0071.

IC Instruments and Forms: The individual instruments in this collection, as well as any associated forms, are listed in the hourly cost burden table below.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: The USPTO estimates that it will receive a total of approximately 23,681 responses per year for this collection. The USPTO estimates that approximately 20,975 of the responses for this collection will be submitted electronically via EFS-Web.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected by these items.

Estimated Time per Response: The USPTO estimates that the responses in this collection will take the public from 2 to 10 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO. The USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, create the document, and submit it to the USPTO, whether the applicant submits the information in paper form or electronically.

These estimates are based on the Agency's long-standing institutional knowledge of and experience with the type of information collected and the length of time necessary to complete responses containing similar or like information.

Estimated Total Annual Respondent Burden Hours: 207,362 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $90,824,556.00. The USPTO expects that attorneys will complete the instruments associated with this information collection. The professional hourly rate for attorneys is $438, based upon the 2017 Report of the Economic Survey published by AIPLA. Using this hourly rate, the USPTO estimates $90,824,556.00 per year for the total hourly costs associated with respondents.

IC No.	Information collection instrument	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b) = (c)	Rate ($/hr) (d)	Total (c) × (d) = (e)
1	Electronic Submissions Under 37 CFR 1.55(k).	2	1,700	3,400	$438.00	$1,489,200.00
1	Submissions Under 37 CFR 1.55(k)	2	50	100	438.00	43,800.00
2	Electronic Submissions Under 37 CFR 1.78(a)(6).	2	1,375	2,750	438.00	1,204,500.00
2	Submissions Under 37 CFR 1.78(a)(6)	2	25	50	438.00	21,900.00
3	Electronic Submissions Under 37 CFR 1.78(d)(6).	2	340	680	438.00	297,840.00
3	Submissions Under 37 CFR 1.78(d)(6)	2	10	20	438.00	8,760.00
4	Electronic Identification of Inventorship and Ownership of the Subject Matter of Individual Claims under 37 CFR 1.110.	2	147	294	438.00	128,772.00
4	Identification of Inventorship and Ownership of the Subject Matter of Individual Claims under 37 CFR 1.110.	2	3	68	438.00	29,784.00
5	Electronic Rule 1.130, 1.131, and 1.132 Affidavits or Declarations.	10	19,600	196,000	438.00	85,848,000.00
5	Rule 1.130, 1.131, and 1.132 Affidavits or Declarations.	10	400	4,000	438.00	1,752,000.00
Total			23,681	207,362		90,824,556.00

Estimated Total Annual (Non-hour) Cost Burden: $80.40. The USPTO estimates that the total annualized (non-hour) cost burden for this collection is due to postage costs. Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The USPTO expects that approximately 98 percent of the responses in this collection will be submitted electronically. Of the remaining 2 percent, the vast majority—98 percent—will be submitted by mail, for a total of 12 mailed submissions. The average first-class USPS postage cost for these items is estimated at $6.70; the cost of a one pound mailed submission in a flat rate envelope. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total $80.40.

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, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Marcie Lovett,

Director, Records and Information Governance Division, Office of the Chief Technology Officer, USPTO.

[FR Doc. 2018–19203 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patents for Humanity Program

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO) as part of its continuing effort to reduce paperwork and respondent burden and as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection: 0651–0066 (Patents for Humanity Program).

DATES: Written comments must be submitted on or before November 5, 2018.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0066 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Edward Elliott, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Edward Elliott, Attorney Advisor, Office of Policy and International Affairs, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7024; or by email to *Edward.Elliott@uspto.gov* with ''0651–0066 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Since 2012, the United States Patent and Trademark Office (USPTO) has conducted the Patents for Humanity Program, an annual award program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The program is open to any patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licenses. USPTO collects information from applicants that describe what actions they have taken with their patented technology to address the welfare of impoverished populations, or how they furthered research by others on technologies for humanitarian purposes. Currently, there are five categories of awards: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards.

This collection covers information gathered on two application forms for the Patents for Humanity Program. The first application covers the humanitarian uses of technologies or products, and the second application covers humanitarian research. In both, applicants are required to describe how their technology or product satisfies the program criteria to address humanitarian issues. Additionally, applicants must provide non-public contact information in order for USPTO to notify them about their award status. Applicants may optionally provide contact information for the public to reach them with any inquiries. Applications must be submitted via email and will be posted on USPTO's website. Qualified judges from outside USPTO will review and score the applications. USPTO will then forward the top-scoring applications to reviewers from participating Federal agencies to recommend award recipients.

Those applications that are chosen for an award will receive a certificate redeemable to accelerate select matters before USPTO. The certificates can be redeemed to accelerate one of the following matters: An *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. This collection covers the information gathered for petitions to extend an acceleration certificate redemption beyond 12 months. Winners also are invited to participate in an awards ceremony at USPTO.

II. Method of Collection

Electronically through the *http://www.uspto.gov/patentsforhumanity* website.

III. Data

OMB Number: 0651–0066.

IC Instruments and Forms: PTO/PFH/001, PTO/PFH/002, PTO/SB/431.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; not-for-profit businesses; individuals and households.

Estimated Number of Respondents: 55 responses per year.

Estimated Time per Response: USPTO estimates that it will take the public approximately four hours to complete the humanitarian program application. Those selected as winners (about 5 to 10 per year) may additionally require one hour to complete a petition to extend their acceleration certificate redemption

beyond 12 months, if needed. These estimated times include gathering the necessary information, preparing the application and any supplemental materials, and submitting the completed request to USPTO.

Estimated Total Annual Respondent Cost Burden: 205 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $59,757.50. The USPTO expects that attorneys will complete the Petition to Extend the Redemption Period of the Humanitarian Awards Certificate and that attorneys or paralegals will complete the Humanitarian Program Application Form. The USPTO uses a professional hourly rate of $291.50 for respondent cost burden, which is the average rate of both attorneys and paralegals. The professional hourly rate for an intellectual property attorney in a private firm is $438, as established in the 2017 *Report on the Economic Survey,* published by the Commerce on the Economics of Legal Practice of the American Intellectual Property Law Association. The professional hourly rate for paralegals is $145, as established in the 2016 *National Utilization and Compensation Survey Report,* published by the National Association of Legal Assistants (NALA). Using the combined hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $59,757.50 per year.

IC No.	Item	Estimated response time (hours) (a)	Estimated response (b)	Estimated annual burden hours (a) × (b) = (c)	Rate (d)	Estimated total cost (c) × (d) = (e)
1	Humanitarian Program Application (Humanitarian Use) (PTO/PFH/001).	4	25	100	$291.50	$29,150.00
1	Humanitarian Program Application (Humanitarian Research) (PTO/PFH/002).	4	25	100	291.50	29,150.00
2	Petition to Extend the Redemption Period of the Humanitarian Awards Certificate (PTO/SB/431).	1	5	5	291.50	1,457.50
Total			55	205		59,757.50

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. This collection has no annual (non-hour) postage, operation, maintenance, or filing fee costs.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018–19201 Filed 9–4–18; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0029]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Mortgage Acts And Practices (Regulation N) 12 CFR 1014''.

DATES: Written comments are encouraged and must be received on or before November 5, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0029 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Mortgage Acts And Practices (Regulation N) 12 CFR 1014.

OMB Control Number: 3170–0009.

Type of Review: Extension without Change of an existing information Collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 483.

Estimated Total Annual Burden Hours: 242.

Abstract: Regulation N (12 CFR 1014), prohibits misrepresentations about the terms of mortgage credit products in commercial communications and requires that covered persons keep certain related records for a period of twenty-four (24) months from last dissemination. The information that Regulation N requires covered persons to retain is necessary to ensure efficient and effective law enforcement to address deceptive practices that occur in the mortgage advertising area. The Bureau is not proposing any new or revised collections of information pursuant to this request.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 28, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–19156 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0030]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Consumer Leasing Act (Regulation M) 12 CFR 1013.''

DATES: Written comments are encouraged and must be received on or before November 5, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0030 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Consumer Leasing Act (Regulation M) 12 CFR 1013.

OMB Control Number: 3170–0006.

Type of Review: Extension without change of an existing Information Collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 13,718.

Estimated Total Annual Burden Hours: 2,126.

Abstract: Consumers rely on the disclosures required by the Consumer Leasing Act, 15 U.S.C. 1667 *et seq.* (CLA) and Regulation M, 12 CFR 1013, for information to comparison shop among leases, as well as to ascertain the true costs and terms of lease offers. Federal and State enforcement and private litigants use the records to ascertain whether accurate and complete disclosures of the cost of leases have been provided to consumers prior to consummation of the lease. This information provides the primary evidence of law violations in CLA enforcement actions brought by Federal agencies. Without Regulation M's recordkeeping requirement, the agencies' ability to enforce the CLA would be significantly impaired.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 28, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–19160 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0026]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, ''Registration of

Mortgage Loan Originators (Regulation G) 12 CFR 1007.''

DATES: Written comments are encouraged and must be received on or before November 5, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0026 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection, (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Registration of Mortgage Loan Originators (Regulation G) 12 CFR 1007.

OMB Control Number: 3170–0005.

Type of Review: Extension without change of an existing information collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 261,638.

Estimated Total Annual Burden Hours: 249,628.

Abstract: Regulation G implements the Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act), Federal registration requirement with respect to any covered financial institutions, and their employees who act as residential mortgage loan originators (MLOs), to register with the Nationwide Mortgage Licensing System and Registry, obtain a unique identifier, maintain this registration, and disclose to consumers the unique identifier. The rule also requires the covered financial institutions employing these MLOs to adopt and follow written policies and procedures to ensure their employees comply with these requirements and to disclose the unique identifiers of their MLOs. The Bureau is not proposing any new or revised collections of information pursuant to this request.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 28, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–19159 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0028]

Agency Information Collection Activities: Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, ''Mortgage Assistance Relief Services (Regulation O) 12 CFR 1015.''

DATES: Written comments are encouraged and must be received on or before November 5, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0028 in the subject line of the message.
- *Mail:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment intake, Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Bureau of Consumer Financial Protection (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Mortgage Assistance Relief Services (Regulation O) 12 CFR 1015.

OMB Control Number: 3170–0007.

Type of Review: Extension without change of an existing Information Collection.

Affected Public: Businesses and other for-profit entities.

Estimated Number of Respondents: 120.

Estimated Total Annual Burden Hours: 360.

Abstract: The required disclosures under Regulation O 12 CFR 1015 assist prospective purchasers of Mortgage assistance relief services (MARS) in

making well-informed decisions and avoiding deceptive and unfair acts and practices. The information that must be kept under Regulation O's recordkeeping requirements is used by the Bureau of Consumer Financial Protection (BCFP) and the Federal Trade Commission (FTC) for enforcement purposes and to ensure compliance by MARS providers with Regulation O. The information is requested only on a case-by-case basis.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: August 28, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–19157 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID USN–2018–HQ–0014]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice of a modified system of records.

SUMMARY: The Office of the Department of the Navy proposes to modify a system of records, Family and Unaccompanied Housing Program, NM1110–01. This system is used for Department of Defense (DoD) housing program management and therefore used to determine the eligibility of civilian and contract personnel to utilize government owned, leased and privatized housing for current and retired military and to provide housing services at military installations and enterprise reporting and performance metrics. The system also provides a public website for property owners and managers to advertise referral properties to Service members. This system is required to ensure timely and efficient DoD housing operations, products and services.

DATES: Comments will be accepted on or before October 5, 2018. This proposed action will be effective on the date following the end of the comment period unless comments are received which will result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Patterson, Head, FOIA/Privacy Act Program Office, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350–2000, or by phone at (202) 685–6546.

SUPPLEMENTARY INFORMATION: This system was established to automate housing program management and provide enterprise reporting and program metrics. 10 U.S.C. chapter 169 provides authorities for the DoD housing programs which require a modern, secure, information system for operations, monitoring, compliance and reporting. The SORN is updated to reflect the Navy system and is now named Enterprise Military Housing (EMH). The system is also utilized by the Army (DA), Marines (Included in DON), Air Force (DAF) and Coast Guard (CG). Data elements collected have also been revised to include additional personal contact information such as cell phone, email and DoD ID, and to reflect a new source, property managers and owners. Additional parties have been added within the new routine uses for the system. These new parties include, DoD Medical Commands, the Department of Housing and Urban Development, the Department of Justice, State, Federal, local, foreign, and international law enforcement agencies, the National Archives and Records Administration, members of Congress, and other Federal entities.

The Department of the Navy's notices for systems of records subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division website at *http://defense.gov/privacy.*

The proposed system report, as required by the Privacy Act of 1974, as amended, was submitted on June 5, 2018, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 7 of OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016 81 FR 94424).

Dated: August 29, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER:

Family and Unaccompanied Housing Program, NM1110–01.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of the Navy (DON) Strategic Delivery Point at 1968 Gilbert Street, Building W–143 in Norfolk, VA 23511–3318.

SYSTEM MANAGER(S):

eMH System Manager, Commander, Navy Installations Command, Housing Code N93, Suite 1000, 2713 Mitscher Road SW, Anacostia Annex, Washington, DC 20373–5802. Phone number: (202) 433–3580.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; 14 U.S.C. chapter 18, Coast Guard Housing Authorities; 10 U.S.C. 2831, Military Family Housing Management Account; DoD 4165.63–M, DoD Housing Management; and E.O. 9397 (SSN), as amended.

PURPOSE OF THE SYSTEM:

To support enterprise program management and reporting of Department of Defense (DoD) Housing programs. To determine an individual's eligibility for Department of Navy (DON), Marine Corps, Department of Army (DA), Department of Air Force (DAF), and Coast Guard (CG) housing, including privatized, leased and rental property program housing, and notification for subsequent assignment to housing or granting a waiver to allow occupancy of community housing. To support the programming and execution of housing entitlements. To support the timely and efficient delivery of DoD housing program products and services. Additional purposes of the system include:

a. Efficiently managing housing for the purpose of determining priority and listing individuals' names on the appropriate housing waiting list.

b. Efficiently managing housing for the purpose of overseeing housing occupancy upon assignment or lease.

c. Referring individuals and families to privatization partners for the purpose of supporting privatization portfolio management.

d. Determining eligibility for furnishings for the purpose of managing and monitoring the usage of furnishings and government provided equipment.

e. Providing housing information and reports to DON, DA, DAF, CG or other military components and government agencies for the purpose of supporting housing infrastructure such as safety and emergency identification and location lists; local school and community population impact studies; health and environmental impact studies; evacuation and relocation planning for natural disasters.

f. Supporting DoD security investigations for the purpose of DoD and national security.

g. Supporting DoD entitlement programming, budgeting and execution for the purpose of accurate and timely DoD budget estimates and funds execution.

h. Interfacing with the Defense Manpower Management System (DMDC) for the purpose of verifying eligibility for housing, data accuracy and supporting population measurements and surveys.

i. Supporting the determination of current and projected requirements for DoD owned, leased and privatized housing for environmental and budgeting purposes.

j. Providing DON, DA, DAF, CG or other military components and government agencies the ability to track violations or complaints by or against those who occupy DoD housing and community housing occupied by DoD personnel for the purpose of damage collections and record keeping.

k. Providing a public website, *HOMES.mil,* for property owners and managers to advertise referral properties to Service members in the DON, DA, DAF, and CG.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and retired military/civilian personnel, including contract employees eligible for or interested in occupying DON, DA, Coast Guard and DAF housing, those occupying DON, DA or DAF housing and privatized housing, and property owners and managers advertising referral properties to Service members on *HOMES.mil.*

CATEGORIES OF RECORDS IN THE SYSTEM:

For primary military housing applicants including: Installation name, full name, Social Security Number (SSN), DoD ID number, gender, marital status, birth date, current home address, permanent home address, work phone number, home phone number, cell phone number, fax number, work email address, home email address, rank/rate, pay grade, civilian pay grade equivalent, branch of service, unit identification code (UIC), geographic bachelor, voluntarily or involuntarily separated, time involuntarily separated, last unit, location of last assignment, agency or type of civilian, length of service, time remaining on active duty, service start date, date of rank, projected rotation date, projected rotation location, End of Active Obligated Service Date, Exceptional Family Member Level, Forward UIC Command, current unit, reporting date, estimated family arrival date, name of employer, unit or employer mailing address, housing allowance start and stop dates, entitlement condition type, entitlement condition end date, entitlement condition start date, personnel type, Americans with Disabilities Act housing requirements, complaints by or against, criminal conviction or violations, cigarette smoking habits, vehicle information, and type, breed and size of pet.

If applicable, data for related and non-related dependents to include: Installation name, total number in family, full name, Social Security Number (SSN), DoD ID number, birth date, gender, relation to primary applicant, dependent start date with primary applicant, dependent end date with primary applicant, entitlement condition type, entitlement condition end date, entitlement condition start date, work phone number, home phone number, cell phone number, work email address, home email address, current mailing address, permanent mailing address, rank/rate, branch of service, Dependent UIC, Exceptional Family Member Level, civilian pay grade equivalent, service start date, date of rank, time remaining on active duty, projected rotation date, criminal conviction, cigarette smoking habits, Americans with Disabilities Act housing requirements.

Additional housing information is collected for primary applicants and dependents to include: Particular housing preferences; special health problems; copies of permanent change of station orders; temporary orders; emergency contact full name, home, cell and work phone number and relation; detaching endorsement from prior duty station; and pet health records.

The following information is collected on property owners and managers advertising referral properties on *HOMES.mil:* First name, last name, primary phone, alternate phone (optional), company name (optional), website (optional), Branch of Service, and email address.

RECORD SOURCE CATEGORIES:

Individual; DD Form 1746, Application for Assignment to Housing; Military Orders; Emergency Contact Form; Defense Enrollment Eligibility Reporting System (DEERS); Defense Civilian Payroll System (DCPS); detaching endorsement from prior duty station; military pay records; privatized partner system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To private partners who operate DON, DA, DAF, and CG housing for the purpose of privatized housing referral, management, operations and reporting.

b. To community property owners and managers participating in the Rental Property Program for the purpose of management and efficient referral coordination.

c. To U.S. government security agencies, police and fire departments for the purpose of accident, health, safety, and other investigative activities.

d. To DoD Medical Commands for the purpose of environmental and health studies.

e. To Child Protective Services for the purpose of providing information during their investigation into possible child abuse.

f. To adoption agencies for the purpose of providing information for the purpose of qualifying a couple or individual to adopt.

g. To public school systems and State and local governments with demographic data for the purpose of determining military impact on school population.

h. To the Department of Housing and Urban Development (HUD) and the Census Bureau for the purpose of supporting housing programs and Census studies and surveys.

i. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

j. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

k. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

l. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

m. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

n. To appropriate agencies, entities, and persons when (1) the DON suspects or has confirmed that there has been a breach of the system of records; (2) the DON has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DON (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DON's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

o. To another Federal agency or Federal entity, when the DoD determines 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.

p. To community property owners and managers advertising referral properties in *HOMES.mil* for efficiently tracking participating property owners and managers, and filing, reviewing, and resolving complaints and violations involving referral properties.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records in local housing offices are in secure storage cabinets and electronic records are centrally stored in a secure Navy system. Access to paper and electronic records is restricted to DoD employees with a need to know.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by installation name, name of applicant or name of resident, house number and address of resident.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained for up to three years after termination of housing occupancy and then destroyed. eMH system hard drives and media are destroyed using National Security Agency/Central Security Service (NSA/CSS) approved methods. Paper records containing PII or sensitive information are destroyed using NSA/CSS evaluated crosscut shredders.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Physical and electronic access is restricted to designated individuals having a need to know in the performance of official duties and who are properly screened and cleared for need-to-know. Physical entry is restricted as records are maintained in a secured building maintained behind a firewall, protected by the use of locks, guards, and accessible only to authorized personnel. Paper records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. The system has an Authority to Operate and access to the system is password and or Systems Software uses Primary Key Infrastructure (PKI)/Common Access Card (CAC) protected.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Housing Office at the station/base/installation where they applied for housing. DON official station/base mailing addresses are published as an appendix to the Navy's compilation of system of records notices. DA official mailing addresses are published in DA Pamphlet 25–50, Compilation of Army Addresses. DAF official mailing addresses are published as an appendix to DAF's compilation of system of records notices. Coast Guard official mailing addresses are published at *http://www.uscg.mil/Hr/cg133/Housing/default.asp.*

Requests must be signed and include installation name, full name of applicant or name of resident, house number, and year(s) of occupancy. Individuals should provide full name, SSN, or DoD ID number, military status, or other information verifiable from the record itself. In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5, Department of the Navy (DON) Privacy Program; 32 CFR part 701, Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public; or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains

information about themselves should address written inquiries to the Housing Office at the station/base/installation where they applied for housing. DON official station/base mailing addresses are published as an appendix to the Navy's compilation of system of records notices. DA official mailing addresses are published in DA Pamphlet 25–50, Compilation of Army Addresses. DAF official mailing addresses are published an appendix to DAF's compilation of system of records notices. Coast Guard official mailing addresses are published at *http://www.uscg.mil/Hr/cg133/Housing/default.asp.*

Requests must be signed and include full name of applicant or name of resident, house number, and year(s) of occupancy. Individuals should provide full name, SSN, or DoD ID number, military status, or other information verifiable from the record itself. In addition, the requester must provide either a notarized signature or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Initially published April 1, 2008, 73 FR 17334.

[FR Doc. 2018–19204 Filed 9–4–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0070]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Teacher and Principal Survey of 2019–2020 (NTPS 2019–20) Preliminary Field Activities

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 5, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0070. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 550 12th Street SW, PCP, Room 9086, Washington, DC 20202–0023.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–245–7377 or email *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Teacher and Principal Survey of 2019–2020 (NTPS 2019–20) Preliminary Field Activities.

OMB Control Number: 1850–0598.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 10,525.

Total Estimated Number of Annual Burden Hours: 3,322.

Abstract: The National Teacher and Principal Survey (NTPS), conducted biennially by the National Center for Education Statistics (NCES), is a system of related questionnaires that provides descriptive data on the context of elementary and secondary education. Redesigned from the Schools and Staffing Survey (SASS) with a focus on flexibility, timeliness, and integration with other ED data, the NTPS system allows for school, principal, and teacher characteristics to be analyzed in relation to one another. NTPS is an in-depth, nationally representative survey of first through twelfth grade public and private school teachers, principals, and schools. Kindergarten teachers in schools with at least a first grade are also surveyed. NTPS utilizes core content and a series of rotating modules to allow timely collection of important education trends as well as trend analysis. Topics covered include characteristics of teachers, principals, schools, teacher training opportunities, retention, retirement, hiring, and shortages. This request is to contact districts and schools in order to begin preliminary activities for NTPS 2019–20, namely: (a) Contacting and seeking research approvals from special contact districts, where applicable, (b) notifying districts that their school(s) have been selected for NTPS 2019–20, and (c) notifying sampled schools of their selection for the survey and verifying their mailing addresses.

Dated: August 30, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–19175 Filed 9–4–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice Inviting Publishers To Submit Tests for a Determination of Suitability for Use in the National Reporting System for Adult Education

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary of Education invites publishers to submit tests for review and approval for use in the National Reporting System for Adult Education (NRS), and announces the date by which publishers must submit these tests.

DATES: *Deadline for transmittal of applications:* October 1, 2018.

ADDRESSES: Submit your application by mail (through the U.S. Postal Service or a commercial carrier) or deliver your application by hand or by courier service to: NRS Assessment Review, c/o American Institutes for Research, 1000 Thomas Jefferson Street NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: John LeMaster, U.S. Department of Education, 400 Maryland Avenue SW, Room 11152, Potomac Center Plaza, Washington, DC 20202–7240. Telephone: (202) 245–6218. Email: *John.LeMaster@ed.gov.*

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

SUPPLEMENTARY INFORMATION: The Department's regulations for Measuring Educational Gain in the National Reporting System for Adult Education, 34 CFR part 462 (NRS regulations), include the procedures for determining the suitability of tests for use in the NRS.

There is a review process that will begin on October 1, 2018. Only tests submitted by the due date will be reviewed in that review cycle. If a publisher submits a test after October 1, 2018, the test will not be reviewed until the review cycle that begins on October 1, 2019.

Criteria the Secretary Uses: In order for the Secretary to consider a test suitable for use in the NRS, the test must meet the criteria and requirements established in 34 CFR 462.13.

Submission Requirements:

(a) In preparing your application, you must comply with the requirements in 34 CFR 462.11.

(b) In accordance with 34 CFR 462.10, the deadline for transmittal of applications in this fiscal year is October 1, 2018.

(c) Whether you submit your application by mail (through the U.S. Postal Service or a commercial carrier) or deliver your application by hand or by courier service, you must mail or deliver four copies of your application, on or before the deadline date, to the following address: NRS Assessment Review, c/o American Institutes for Research, 1000 Thomas Jefferson Street NW, Washington, DC 20007.

(d) If you submit your application by mail or commercial carrier, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

(e) If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(f) We do not consider applications postmarked after the application deadline date to be timely for the October 1, 2018, review cycle. If an application is postmarked after the October 1, 2018, deadline date, the application will be considered timely for the October 1, 2019, deadline date.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(g) If you submit your application by hand delivery, you (or a courier service) must deliver four copies of the application by hand, on or before 4:30:00 p.m., Eastern Time, on the application deadline date.

(h) Electronic submission of applications is not permitted.

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

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 29 U.S.C. 3292.

Dated: August 30, 2018.

Scott Stump,

Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2018–19251 Filed 9–4–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Walla Walla Basin Spring Chinook Hatchery Program

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy (DOE).

ACTION: Record of decision (ROD).

SUMMARY: This notice announces Bonneville's decision to implement the Proposed Action—Alternative 1—as described in the Walla Walla Basin Spring Chinook Hatchery Program Final Environmental Impact Statement (EIS) (DOE/EIS–0495, May 25, 2018). Bonneville will fund construction and operation of a spring Chinook hatchery at the existing South Fork Walla Walla Adult Holding and Spawning Facility in Umatilla County, Oregon, subject to the execution by both parties of the Memorandum of Agreement between the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and Bonneville for Construction of the Walla Walla Spring Chinook Hatchery. The hatchery will be owned and operated by the CTUIR and will have the capacity to incubate and rear up to 500,000 spring Chinook smolts for release in the Walla Walla River basin in north central Oregon and south central Washington State.

ADDRESSES: This ROD will be available to all interested parties and affected persons and agencies. It is being sent to all stakeholders who requested a copy. Copies of the Walla Walla Basin Spring Chinook Hatchery Program Draft and Final EIS and additional copies of this

ROD are available from Bonneville's Public Information Center, P.O. Box 3621, Portland, OR 97208–3621. Copies of these documents may also be obtained by using Bonneville's nationwide toll-free document request line: 1–800–622–4520, or by accessing the project website at *www.bpa.gov/goto/WallaWallaHatchery.*

FOR FURTHER INFORMATION CONTACT:

Chad Hamel, Supervisory Environmental Protection Specialist, Bonneville Power Administration—ECF–4, P.O. Box 3621, Portland, Oregon 97208–3621; toll-free telephone number 1–800–622–4519; fax number 503–230–5564; email *cjhamel@bpa.gov.*

SUPPLEMENTARY INFORMATION:

Background

Bonneville is a federal agency that markets power generated from the federal hydroelectric facilities on the Columbia River and its tributaries. Bonneville's operations are governed by several statutes, including the Northwest Power Act. The Northwest Power Act directs Bonneville to protect, mitigate, and enhance fish and wildlife affected by the development and operation of those federal hydroelectric facilities. To assist in accomplishing this, the Northwest Power and Conservation Council (Council) makes recommendations to Bonneville concerning which fish and wildlife projects to fund. The Council gives deference to project proposals developed by state and tribal fishery managers and has a three-step process for reviewing artificial propagation projects (*i.e.,* hatcheries) which includes development of a Master Plan for the proposal as Step 1.

In 1987, the Northeast Oregon Hatchery Program (NEOH) was established as part of the Council's Columbia River Basin Fish and Wildlife Program. It was the initial artificial production planning effort by fishery co-managers for restoring anadromous fish runs in northeast Oregon, including the Walla Walla basin. The NEOH Program called for development of artificial production facilities which would produce between 2.3 and 3.0 million Chinook salmon and steelhead smolts designated for release into the Hood, Umatilla, Walla Walla, Grande Ronde, and Imnaha River basins and elsewhere. The proposed Walla Walla Basin Spring Chinook Hatchery Program and its Master Plan grew out of the NEOH Program.

In 2008, Bonneville, U.S. Army Corps of Engineers, and U.S. Bureau of Reclamation signed an agreement with the CTUIR and other Tribes to work as partners to provide tangible survival benefits for salmon recovery. The *2008 Columbia Basin Fish Accords Memorandum of Agreement between the Three Treaty Tribes and FCRPS Action Agencies* (Fish Accords) includes an agreement to fund a spring Chinook hatchery in the Walla Walla basin, contingent on the favorable recommendation from the Council, completion of site-specific environmental review under the National Environmental Policy Act (NEPA), and compliance with other environmental laws. At that time, the CTUIR in cooperation with Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), and National Marine Fisheries Service (NMFS), managed and continues to manage a spring Chinook smolt and adult outplant program in the Walla Walla basin using out-of-basin stocks.

The CTUIR proposed the project because indigenous Walla Walla River spring Chinook were extirpated from the Walla Walla River basin in the early to mid-1900s, and recent reintroduction efforts have been unsuccessful in meeting basin goals. Spring Chinook raised at the proposed new hatchery would help meet Walla Walla basin goals to establish a naturally spawning population and augment populations for harvest. Supporting these spring Chinook recovery efforts would help Bonneville mitigate for the effects of the Federal Columbia River Power System (FCRPS) on fish.

The CTUIR submitted a master plan to construct and operate a hatchery for spring Chinook salmon in the Walla Walla River basin to the Council's Fish and Wildlife Program. As a part of the Council's 3-step process, and after undergoing review by the Independent Scientific Review Panel (ISRP), the Council recommended proceeding from step 1 to step 2. Bonneville determined that the proposal is consistent with the commitments made in the Fish Accords, and supports Bonneville's *Fish and Wildlife Implementation Plan Environmental Impact Statement and Record of Decision* policy direction, which calls for protecting weak stocks, while sustaining overall populations of fish for their economic and cultural value.

To meet obligations under NEPA, Bonneville prepared the Walla Walla Basin Spring Chinook Hatchery Program EIS; ODFW and the CTUIR were cooperating agencies. In May 2013, Bonneville issued a Notice of Intent to prepare an EIS. The draft EIS, based on the proposal in the Master Plan, was issued for public review in October 2014. Minor changes were made to the EIS in response to public comments, as well as to address refinements to the design of water supply structures and adjustments to water use requirements; the impacts of these changes were evaluated in the Final EIS. The Final EIS was issued in May 2018.

The CTUIR, ODFW, WDFW, NMFS, the U.S. Fish and Wildlife Service, and other managers of habitat, fisheries, and hatcheries in north central Oregon participated actively in development of the Proposed Action; and, along with other interested and affected agencies, organizations, and individuals, were consulted during the development of the EIS. Bonneville is issuing this ROD only for its own actions.

Alternatives Considered

The final EIS considered in detail two alternatives for the Proposed Action—Alternative 1 and Alternative 2—and the No Action Alternative. The final EIS identified Alternative 1 as the preferred alternative and also discussed other alternatives that were considered but eliminated from detailed study. The following summarizes the alternatives that were considered in detail in the EIS.

Proposed Action—Alternative 1

Under Alternative 1, Bonneville will fund the construction and operation of the Walla Walla hatchery and the CTUIR will expand its efforts to reintroduce spring Chinook into the Walla Walla River basin in Oregon and Washington State. The hatchery program will include development of a locally adapted broodstock and production of up to 500,000 spring Chinook smolts for release in tributaries throughout the basin, to increase harvest opportunities and natural production in the basin. The hatchery program includes the following activities:

- Construction and use of a hatchery at the existing South Fork Walla Walla Adult Holding and Spawning Facility.
- Collection of spring Chinook adults at Nursery Bridge Dam on the mainstem Walla Walla River and potentially at Dayton Adult Trap on the Touchet River to develop a locally adapted broodstock.
- Release of up to 400,000 smolts to the South Fork Walla Walla River and up to 100,000 smolts to the Touchet River.
- Planting of returning adults in selected tributaries in the Walla Walla basin.

New facilities at the South Fork Walla Walla site include a hatchery building that will house incubation facilities, circular rearing tanks for early rearing and grow-out, administrative offices,

and a visitor center; a pumpback system that would be used as needed to return water from the pollution abatement pond to the river near the intake, in order to maintain minimum instream flows; a headbox; a shop; and three new residences. Existing piping will be modified and new piping added to distribute water supply and effluent, and the existing pollution abatement pond will be divided in half to improve discharges and increase ease of maintenance.

Most of the smolts produced would be released directly from the hatchery into the South Fork Walla Walla River; about 20% of the production would be direct-stream-released into the Touchet River, which is in the Washington State portion of the Walla Walla basin. Adults surplus to broodstock, escapement, and harvest needs would continue to be outplanted in Mill Creek and the Touchet subbasin as they are now.

The program is intended to provide in-basin Tribal and non-tribal harvest and to increase natural production of spring Chinook in the basin, and would be implemented in three phases that are expected to gradually increase the number of adult returns and the proportion of naturally produced adults in the broodstock. Research, monitoring, and evaluation (RM&E) of the status and distribution of spring Chinook in the Walla Walla basin (as well as steelhead and bull trout) is ongoing as a separate program, and will continue. The RM&E program identifies hatchery fish using PIT tags, fin-clips, and coded-wire tags to monitor their survival through various stages of their migration and their rate of survival to adults. Fish are also trapped at existing juvenile and adult traps throughout the basin, and spawning areas in the Walla Walla and Touchet rivers and Mill Creek are surveyed to count redds and estimate natural production. The RM&E program will help determine the success of the hatchery program and when it can move to the next phase.

Construction under Alternative 1 will comply with applicable regulatory requirements, permits, and guidance for protection of the environment and human wellbeing and safety, and will incorporate Best Management Practices such as erosion and dust control, waste management, weed management, restrictions on vegetation clearing during nesting season for migratory birds (March–August), and work-hour and noise restrictions. Instream work will be minimal and will be done during the state-specified in-water work window (July 1–August 15). The work area will be isolated behind a temporary cofferdam and fish will be collected and relocated outside the work area.

Alternative 1 incorporates special measures such as retaining as much native vegetation as possible; landscaping with native, drought-resistant plants; and installation of a pumpback system and real-time monitoring equipment to ensure that minimum instream flows are maintained. The modified water supply intake will meet NMFS screening requirements. Hatchery water discharge will comply with applicable regulations and standards, including applicable Total Maximum Daily Loads in the South Fork Walla Walla River. Effluent treatment systems will ensure that discharges do not adversely affect the receiving waters.

Alternative 2

Alternative 2 is similar to Alternative 1 except the hatchery would have been larger in order to accommodate the incubation and rearing of an additional 810,000 spring Chinook smolts currently produced at the Umatilla Hatchery near Irrigon, Oregon, which is experiencing water supply problems. Alternative 2 would have required a costly water reuse system in order to support the additional fish, but was expected to improve the fitness and survival of spring Chinook destined for the Umatilla basin.

No Action Alternative

Under the No Action Alternative, Bonneville would not have funded the Walla Walla Basin Spring Chinook Hatchery Program. No new facilities would be constructed, no new artificial propagation activities would be implemented, and no long-term in-basin source (natural or hatchery) of spring Chinook broodstock would be available for the Walla Walla River basin. The current release of out-of-basin smolts, funded under the Mitchell Act and by Bureau of Indian Affairs, and incorporated into the 2018–2027 *U.S.* v. *Oregon* Management Agreement, would be expected to continue for the foreseeable future. Spring Chinook for the Umatilla basin program would continue to be reared at Umatilla Hatchery as is currently done. Under this alternative, it is unlikely that a self-sustaining, naturally reproducing spring Chinook population could be established in the Walla Walla basin in harvestable numbers, due to the lack of a broodstock adapted to the basin; the current smolt release program results in low smolt-to-adult survival rates because smolts are reared out of the basin from out-of-basin broodstock.

Comments Received Since Issuance of the Final EIS

After the Final EIS was issued, Bonneville received comments from the U.S. Environmental Protection Agency (EPA) Region 10 in a letter dated July 2, 2018. The agency indicated that their comments on the Draft EIS had been addressed in the Final EIS. EPA's comments on the Draft EIS concerned water re-use and maintenance of instream flows; a request for additional information on time periods needed to reach Phase 3 goals of the hatchery production program; and a request to assess the adequacy of habitat improvements over the long term.

Rationale for Decision

In making its decision to implement the Proposed Action under Alternative 1, Bonneville considered and balanced a variety of relevant factors. Bonneville considered how well the action alternatives and the No Action Alternative would fit with its statutory missions and relevant policies and procedures. Bonneville also considered the environmental impacts described in the Final EIS, as well as public comments received throughout the NEPA process for the program.

Another consideration was the extent to which each alternative under consideration would meet the following Bonneville purposes (*i.e.,* objectives) identified in the final EIS:

- Support efforts to mitigate for effects of the development and operation of the Federal Columbia River Power System on fish and wildlife in the mainstem Columbia River and its tributaries under the Northwest Power Act.
- Assist in carrying out commitments related to proposed hatchery actions that are contained in the 2008 Columbia Basin Fish Accords Memorandum of Agreement with the CTUIR and others.
- Implement Bonneville's Fish and Wildlife Implementation Plan EIS and ROD policy direction to protect weak stocks while sustaining fish populations for their economic and cultural value.
- Improve the fitness and survival of spring Chinook released in the Umatilla basin.
- Minimize harm to natural or human resources, including species listed under the Endangered Species Act.

After considering and balancing all of these factors, Bonneville has decided to fund the Walla Walla Basin Spring Chinook Hatchery Program, subject to the execution by both parties of the Memorandum of Agreement between the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and

Bonneville for Construction of the Walla Walla Spring Chinook Hatchery. The Proposed Action was recommended to Bonneville for funding by the Council and is consistent with the Council's Fish and Wildlife Program. Providing funding for construction and operation of the hatchery under Alternative 1 supports a high-priority mitigation project in the Council's Fish and Wildlife Program. In addition, the Proposed Action under Alternative 1 meets the funding commitment for spring Chinook reintroduction made to the CTUIR in the Fish Accords and would protect weak stocks in the Walla Walla basin while reintroducing spring Chinook for additional harvest opportunities and cultural value to CTUIR and others. Under Alternative 1 of the Proposed Action, the fitness and survival of spring Chinook in the Umatilla basin would not be affected.

In planning and designing the hatchery, Bonneville, the CTUIR, project designers and other fish and wildlife agencies worked to minimize environmental and social impacts through project design, consultation with regulatory entities, and development of mitigation measures.

Impacts considered and fully disclosed in the final EIS include effects of hatchery withdrawals on flows in the South Fork Walla Walla River; water quality impacts of hatchery effluent discharge; impacts of hatchery construction, juvenile spring Chinook releases, and increasing numbers of returning spring Chinook adults on species such as bull trout and steelhead; the effects of additional fishing activities on private property owners; effects on habitat of vegetation removal; the potential of construction activity to spread noxious weeds; and visual changes associated with new structures.

Mitigation

All mitigation measures described in the Final EIS and the project Biological Opinions from NMFS and U.S. Fish and Wildlife Service have been adopted; a few were modified to describe the activity more specifically in order to ensure that contract language is clear. A complete list of these measures is presented in the project Mitigation Action Plan, available on the project website. All practicable means to avoid or minimize environmental harm are adopted.

Signed in Portland, Oregon, on August 22, 2018.

Elliot E. Mainzer,

Administrator and Chief Executive Officer.

[FR Doc. 2018–19214 Filed 9–4–18; 8:45 am]

BILLING CODE 6450–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Noice of Renewal

AGENCY: Department of Energy, Office of the Secretary.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Secretary of Energy Advisory Board (SEAB) will be renewed for a two-year period beginning on August 29, 2018.

The Committee will provide advice and recommendations to the Secretary of Energy on a range of energy-related issues.

Additionally, the renewal of the SEAB has been determined to be essential to conduct business of the Department of Energy and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Michelle Sneed, Director, Office of Secretarial Boards and Councils, (202) 287–6793.

Issued at Washington, DC, on August 29, 2018.

Wayne D. Smith,

Committee Management Officer.

[FR Doc. 2018–19213 Filed 9–4–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–144–000.
Applicants: Dearborn Industrial Generation, L.L.C.
Description: Application for Approval of Disposition of Assets Pursuant to Section 203 of the Federal Power Act of Dearborn Industrial Generation, L.L.C.
Filed Date: 8/28/18.
Accession Number: 20180828–5062.
Comments Due: 5 p.m. ET 9/18/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2290–006.
Applicants: Avista Corporation.
Description: Non-Material Change of Status of Avista Corporation.
Filed Date: 8/27/18.
Accession Number: 20180827–5170.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–280–004.
Applicants: Lee County Generating Station, LLC.
Description: Report Filing: Lee County Refund Report to be effective N/A.
Filed Date: 8/27/18.
Accession Number: 20180827–5144.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–1702–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Deficiency Response—1148R24 American Electric Power NITSA and NOA to be effective 5/1/2018.
Filed Date: 8/28/18.
Accession Number: 20180828–5000.
Comments Due: 5 p.m. ET 9/18/18.

Docket Numbers: ER18–2137–001.
Applicants: Big Sky North, LLC.
Description: Tariff Amendment: Master Interconnection Services Agreement to be effective 8/16/2018.
Filed Date: 8/27/18.
Accession Number: 20180827–5176.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2320–000.
Applicants: Entergy Texas, Inc.
Description: § 205(d) Rate Filing: ETI–ETEC Wholesale Distribution Service Agreement to be effective 8/1/2018.
Filed Date: 8/27/18.
Accession Number: 20180827–5132.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2321–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2018–08–27_SA 3157 Ameren Illinois-Settlers Trail Wind FSA (G931) to be effective 10/27/2018.
Filed Date: 8/27/18.
Accession Number: 20180827–5133.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2322–000.
Applicants: Midcontinent Independent System Operator, Inc., Northern States Power Company, a Minnesota corporation.
Description: § 205(d) Rate Filing: 2018–08–27_MISO TOs Revisions to Attachment O Formula Rates to be effective 1/1/2019.
Filed Date: 8/27/18.
Accession Number: 20180827–5145.
Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2323–000.
Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–08–27_ITC Companies Revisions to Attachment O Formula Rates to be effective 12/31/9998.

Filed Date: 8/27/18.

Accession Number: 20180827–5146.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2324–000.

Applicants: NorthWestern Corporation.

Description: Request for Limited Waiver of Filed Tariff of NorthWestern Corporation.

Filed Date: 8/27/18.

Accession Number: 20180827–5153.

Comments Due: 5 p.m. ET 9/17/18.

Docket Numbers: ER18–2325–000.

Applicants: Sunbury Generation LP.

Description: § 205(d) Rate Filing: Market-Based Rate Notice of Change in Status to be effective 8/28/2018.

Filed Date: 8/28/18.

Accession Number: 20180828–5042.

Comments Due: 5 p.m. ET 9/18/18.

Docket Numbers: ER18–2326–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Notice of Cancellation of the Western Area Power Administration JOA to be effective 6/21/2018.

Filed Date: 8/28/18.

Accession Number: 20180828–5043.

Comments Due: 5 p.m. ET 9/18/18.

Docket Numbers: ER18–2327–000.

Applicants: Riverhead Solar Farm, LLC.

Description: Baseline eTariff Filing: Riverhead Solar Farm LLC MBR Tariff to be effective 8/29/2018.

Filed Date: 8/28/18.

Accession Number: 20180828–5086.

Comments Due: 5 p.m. ET 9/18/18.

Docket Numbers: ER18–2328–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–08–28_Interconnection Agreement Amendment to Update Pro Forma Language to be effective 2/21/2018.

Filed Date: 8/28/18.

Accession Number: 20180828–5097.

Comments Due: 5 p.m. ET 9/18/18.

Docket Numbers: ER18–2329–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4843; Queue AC2–076 to be effective 8/27/2018.

Filed Date: 8/28/18.

Accession Number: 20180828–5112.

Comments Due: 5 p.m. ET 9/18/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19137 Filed 9–4–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–2314–000]

Sholes Wind Energy, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Sholes Wind Energy, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is September 17, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19139 Filed 9–4–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2334–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3193 Rush County Wind Farm GIA Cancellation to be effective 8/15/2018.

Filed Date: 8/29/18.

Accession Number: 20180829–5136.

Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2336–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–08–29_SA 3150 CMS Energy Resource-METC GIA (J571) to be effective 8/15/2018.

Filed Date: 8/29/18.

Accession Number: 20180829–5119.

Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2337–000.

Applicants: Blackstone Wind Farm, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 10/28/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5121.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2338–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–08–29_SA 3151 Rosewater Wind Farm-NIPSCO GIA (J513) to be effective 8/15/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5123.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2339–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–08–29_SA 3152 Polaris Wind Energy-METC GIA (J533) to be effective 8/15/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5128.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2340–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2018–08–29_SA 3153 Crescent Wind-METC GIA (J538) to be effective 8/15/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5132.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2341–000.
Applicants: California Independent System Operator Corporation.
Description: § 205(d) Rate Filing: 2018–08–29 Energy Imbalance Market Bid Adder Amendment to be effective 11/1/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5135.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2342–000.
Applicants: GridLiance Heartland LLC.
Description: Baseline eTariff Filing: GridLiance Heartland LLC Formula Rate Template Filing to be effective 10/29/2018.
Filed Date: 8/29/18.
Accession Number: 20180829–5141.
Comments Due: 5 p.m. ET 9/19/18.

Docket Numbers: ER18–2343–000.
Applicants: Duke Energy Carolinas, LLC.
Description: § 205(d) Rate Filing: Amendment to DEC–PMPA NITSA (SA–355) to be effective 9/1/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5030.
Comments Due: 5 p.m. ET 9/20/18.

Docket Numbers: ER18–2344–000.
Applicants: Headwaters Wind Farm LLC.
Description: Baseline eTariff Filing: Reactive Power Compnsation Filing to be effective 10/29/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5031.
Comments Due: 5 p.m. ET 9/20/18.

Docket Numbers: ER18–2345–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, SA No. 5156; Queue No. AB1–157 to be effective 7/31/2018.
Filed Date: 8/30/18.
Accession Number: 20180830–5051.
Comments Due: 5 p.m. ET 9/20/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 30, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19264 Filed 9–4–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–1084–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing 2018 Operational Entitlements Filing to be effective N/A.
Filed Date: 8/27/18.
Accession Number: 20180827–5044.
Comments Due: 5 p.m. ET 9/10/18.

Docket Numbers: RP18–1085–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2018–08–25 Encana to be effective 8/25/2018.
Filed Date: 8/27/18.
Accession Number: 20180827–5131.
Comments Due: 5 p.m. ET 9/10/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–19138 Filed 9–4–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Final Allocation of Olmsted Powerplant Replacement Project

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final allocation of Olmsted Powerplant Replacement Project.

SUMMARY: Western Area Power Administration (WAPA) Colorado River Storage Project (CRSP) Management Center, a Federal power marketing administration within the Department of Energy, announces its Olmsted Powerplant Replacement Project (Olmsted) Final Allocation of Energy. The Final 2018 Olmsted Power Marketing Plan and Call for Applications was published on October 11, 2017, and set forth that an application for an allocation of energy from Olmsted was due by December 11, 2017. WAPA reviewed and considered the applications received and published the Proposed Allocations in the **Federal Register** on June 13, 2018. There was a 30-day comment period for the proposed allocations. WAPA has considered the comments received, and

this **Federal Register** notice establishes the final allocations.

DATES: The final allocations will be effective on October 5, 2018.

ADDRESSES: Information regarding the Final Allocation of Olmsted Power Replacement Project, including comments, letters, and other supporting documents, is available for public inspection and copying at the CRSP Management Center, Western Area Power Administration, 299 South Main Street, Suite 200, Salt Lake City, Utah. Public comments and related information may be accessed at *https://www.wapa.gov/regions/CRSP/PowerMarketing/Pages/Proposed-Allocations.aspx.*

FOR FURTHER INFORMATION CONTACT: Mr. Brent Osiek, Vice President of Power Marketing for CRSP, (801) 524–5495; or Mr. Lyle Johnson, Public Utilities Specialist, (801) 524–5585. Written requests for information should be sent to Western Area Power Administration, CRSP Management Center, 299 South Main Street, Suite 200, Salt Lake City, UT 84111; faxed to (801) 524–5017; or emailed to: *osiek@wapa.gov.*

SUPPLEMENTARY INFORMATION: The United States acquired the Olmsted Powerplant in 1990 through condemnation proceedings in order to secure the water rights associated with the Olmsted Powerplant deemed essential to the Central Utah Project (CUP). The CUP is a participating project of the Colorado River Storage Project. As part of the condemnation proceedings, PacifiCorp continued Olmsted operations until 2015; after that time, the operation of the facility became the responsibility of the Department of the Interior.

The existing Olmsted Powerplant greatly exceeded its operational life, and a replacement facility was needed for the generation of power and the preservation of associated non-consumptive water rights. On February 4, 2015, the Implementation Agreement (Agreement) for Olmsted was signed by Central Utah Water Conservancy District (District); the Department of the Interior, Bureau of Reclamation; and WAPA (Participants). The Agreement sets forth the responsibilities of the Participants and identifies funding of Olmsted. The District will construct, operate, maintain, and replace the Olmsted Powerplant and incidental facilities in connection with CUP operations including power generation.

WAPA is responsible for marketing the Olmsted energy, which is anticipated to be available in the late summer or early fall of 2018. Power production will be incidental to the delivery of water and will only be available when water is present. Therefore, only energy, without capacity, will be available for marketing. It is expected that the annual energy production from Olmsted will average around 27,000,000 kilowatthours per year. The Final 2018 Olmsted Power Marketing Plan and Call for Applications was published in the **Federal Register** on October 11, 2017 (82 FR 47201), and set forth that an application for an allocation of energy from Olmsted was due by December 11, 2017. After review of the applications, the Proposed Allocation of Olmsted Powerplant Replacement Project was published in the **Federal Register** on June 13, 2018 (83 FR 27599). The 30-day comment period closed on July 13, 2018. After considering the comments received, WAPA is now publishing the Final Allocations.

Response to Comments on Olmsted Final Allocation of Energy

WAPA received numerous comments about its Olmsted final allocation of energy during the comment period. WAPA reviewed and considered all comments received, and this section summarizes and responds to those comments. For brevity, when it was possible to do so without affecting the meaning of the statements, the public comments below were paraphrased.

Comment: Several commenters supported the proposed allocation of Olmsted energy.

Response: WAPA acknowledges the comments in support of the proposed allocations.

Comment: Several commenters suggested specific changes that should occur in the next marketing plan.

Response: Issues concerning future marketing plan criteria or suggested changes to the geographic marketing areas are more appropriately addressed during the public process for future marketing plans for the Olmsted Powerplant and are beyond the scope of the proposed allocation comment process. Commenters will have the opportunity to express their suggestions during the public process for future Olmsted marketing plans.

Comment: One commenter requested an additional allocation of Olmsted energy, citing their future electrical resource needs and the limited amounts of Federal power they currently receive.

Response: WAPA does not have the authority to develop resources to meet customers' future electrical resource needs and load growth. WAPA is limited to marketing only the resources authorized by Congress as part of Federal water development projects.

Comment: One commenter asked how the allocations were developed, especially for the entities with small percentages of load served by Federal power.

Response: The percentage of applicants' load served by Federal power was determined by comparing current loads, as submitted in the Applicant Profile Data, to that applicant's current allocation(s) of Federal power. Pursuant to the Final Power Marketing Criteria, allocations of energy from Olmsted were made based on a percentage of annual generation rather than fixed quantities of energy. WAPA received applications from four entities representing a total of 14 eligible applicants. Due to its role in the construction, operation, maintenance, and replacement of Olmsted, WAPA awarded the District 30 percent of the annual generation at Olmsted. As explained more thoroughly below, WAPA also awarded Utah Municipal Power Agency (UMPA) with 30 percent, largely based on UMPA's facilitating exchange and interchange accounting services. WAPA determined it would use the remaining energy to increase allocations to those applicants with the least amount of existing Federal allocations. Four of the applicants receive less than 10 percent of their energy resources from Federal power while all other applicants receive more than 20 percent. Therefore, WAPA evenly divided the remaining 40 percent of the annual generation at Olmsted among those four applicants.

Comment: One commenter asked how the costs and fees associated with interconnecting with Provo, Utah, compare to interconnecting with PacifiCorp.

Response: The cost of interconnecting to the Provo system was estimated to be much less than connecting to the facilities of PacifiCorp. WAPA requested multiple interconnection studies from PacifiCorp to determine potential costs and infrastructure requirements. PacifiCorp's costs for interconnecting at its congested Hale Substation were significantly higher than interconnecting with Provo at the same voltage and at essentially the same location; the overall savings was about $1.4 million. Additionally, interconnecting with Provo allowed further reduction in costs to customers by allowing WAPA to enter into a Scheduling and Interchange Agreement with the UMPA, which serves as a scheduling and resource agent for Provo. This allowed Olmsted energy to be delivered to customers under current transmission arrangements rather than

requesting new agreements with PacifiCorp.

Comment: One commenter asked about the scheduling and displacement agreement that was developed with UMPA and inquired if a similar agreement was pursued with any other entities.

Response: Only Provo and PacifiCorp have facilities in the vicinity of the Olmsted Powerplant to directly receive the power to facilitate a scheduling and displacement agreement. Interconnecting to any other entities would require construction of extensive transmission facilities in an urban area and would have been cost prohibitive.

Comment: One commenter asked if UMPA received any type of priority in receiving an allocation and why UMPA received a 30 percent allocation since it already has a relatively large Federal allocation of hydropower.

Response: UMPA did not receive priority over the other applicants. UMPA was awarded 30 percent in consideration for providing scheduling and interchange services.

Comment: One commenter asked why UMPA received an allocation, rather than its individual member cities, since some members of UMPA are outside of the marketing area.

Response: UMPA applied for an allocation of power on behalf of its specific members located in the marketing area.

Comment: One commenter asked why UMPA received an allocation rather than payment for scheduling and interchange services.

Response: The 30 percent allocation is in consideration of the overall savings that the arrangement with UMPA provides to all recipients of Olmsted energy as well as facilitating exchange and interchange accounting services. Without its current arrangement with UMPA, WAPA would need to enter into a separate transmission agreement with PacifiCorp to deliver the energy, which would likely result in cost-prohibitive transmission and ancillary expenses. Based on the published firm transmission rates of PacifiCorp, WAPA would need to pay approximately $208,000 under PacifiCorp's Open Access Transmission Tariff firm rate schedules, not including ancillary service charges. A yearly charge for scheduling services would be, based on WAPA's experience, around $25,000/year. Assuming an average year and a cost of $30 per megawatthour, the services WAPA receives from UMPA would be worth approximately $243,000/year for Olmsted power. Therefore, WAPA believes that an allocation to UMPA of 30 percent approximates the value of the displacement and exchange agreement.

Comment: One commenter stated that its Salt Lake City Area Integrated Projects (SLCA/IP) contract rate of delivery (CROD) is in conflict with the Olmsted historical generation profile and asked how its SLCA/IP allocation will be handled and if an energy interchange account will be required.

Response: WAPA is aware that the customer has an SLCA/IP capacity allocation, or CROD, during the summer season and not during the winter season. Olmsted is an energy-only product and will be delivered under the customer's SLCA/IP CROD. The Olmsted Powerplant will generate energy in both the summer and winter seasons. WAPA will work with the customer and its scheduling agent to develop procedures that ensure that the customer will receive all of its allocated Olmsted energy.

Olmsted Final Allocation of Energy

Pursuant to the Final Power Marketing Criteria, allocations of energy from Olmsted were made based on a percentage of annual generation rather than fixed quantities of energy. Olmsted is a ''take all, pay all'' project; the annual revenue requirement does not depend on the amount of energy available each year. Customers with an allocation will receive a share of the energy and will annually pay a proportional share of the operation, maintenance, and replacement expenses in 12 monthly installments.

Applications were received from four entities representing a total of 14 eligible applicants. In considering the Power Marketing Criteria, priority was given to the District due to its role in the construction, operation, maintenance, and replacement of Olmsted. The District will receive 30 percent of Olmsted's annual generation.

Olmsted will be electrically interconnected to Provo's distribution and transmission facilities. Provo is a participant of UMPA, a joint-action agency responsible for supplying the wholesale power needs to Provo and other municipal electric utilities in the area. UMPA, a long-term power customer of WAPA, has agreed to accept all Olmsted energy as it is generated and, under a scheduling and displacement agreement with WAPA, provide Olmsted customers with their respective Olmsted allocation amounts from a portion of UMPA's allocation of SLCA/IP resources, which is also marketed by WAPA. This arrangement will allow the Olmsted recipients more flexibility since it will be easier to schedule this SLCA/IP resource, which is essentially exchanged for Olmsted generation and it allows the use of existing scheduling and transmission wheeling arrangements. In consideration for providing these arrangements and the overall savings it is anticipated to generate, UMPA will receive a 30 percent allocation of Olmsted generation.

After consideration of the allocations to the District and UMPA, WAPA determined it would use the remaining Olmsted energy to increase the allocations of those applicants that have the lowest percentages of their current loads served by Federal power. Four of the applicants receive less than 10 percent of their energy resources from Federal power. All of the other applicants currently receive over 20 percent of their energy requirements from Federal allocations. Therefore, WAPA awarded 10 percent of the Olmsted generation to the four applicants receiving less than 10 percent of their energy from Federal sources. The following table shows the final allocation percentages of the annual energy production of Olmsted:

Applicant	Percentage
Central Utah Water Conservancy District	30
Utah Municipal Power Agency	30
Lehi City, Utah	10
Kaysville City, Utah	10
Weber Basin Water Conservancy District	10
Springville City, Utah	10

With the exception of UMPA, all of the recipients receive scheduling and delivery services for their allocations of Federal power from Utah Associated Municipal Power Systems (UAMPS) under SLCA/IP Contract No. 87–SLC–0037. Since Olmsted energy will be delivered by means of transmission and scheduling arrangements existing for Contract No. 87–SLC–0037 with UAMPS, the allocations to these recipients may be handled in a similar manner. WAPA plans to enter into contracts with customers after publication of this **Federal Register** notice.

Availability of Information

Documents developed or retained by WAPA during this public process will be available, by appointment, for inspection and copying at the CRSP Management Center, 299 South Main Street, Suite 200, Salt Lake City, Utah. The comments received during the 30-day comment period have been posted to WAPA's website at the following address: *https://www.wapa.gov/regions/*

CRSP/PowerMarketing/Pages/power-marketing.aspx.

Procedural Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE NEPA Regulations (10 CFR part 1021), WAPA issued a Finding of No Significant Impact (FONSI) on January 13, 2017. The FONSI and other NEPA compliance documentation may be found at *https://www.wapa.gov/regions/CRSP/environment/Pages/environment.aspx.*

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601, *et seq.,* requires a Federal agency to perform a regulatory flexibility analysis whenever the agency is required by law to publish a general notice of proposed rulemaking for any proposed rule unless the agency can certify that the rule will not have a significant economic impact on a substantial number of small entities. In defining the term ''rule,'' the RFA specifies that a ''rule'' does not include ''a rule of particular applicability relating to rates [and] services . . . or to valuations, costs or accounting, or practices relating to such rates [and] services. . . .'' 5 U.S.C. 601. WAPA has determined that this action relates to rates or services offered by WAPA and, therefore, is not a rule within the purview of the RFA.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this **Federal Register** notice by the Office of Management and Budget is required.

Dated: August 24, 2018.

Mark A. Gabriel,

Administrator.

[FR Doc. 2018–19211 Filed 9–4–18; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0078; FRL–9983–34–OAR]

Proposed Information Collection Request; Comment Request; Landfill Methane Outreach Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Landfill Methane Outreach Program'' (EPA ICR No. 1849.08, OMB Control No. 2060–0446) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 31, 2019. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 5, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0078, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Lauren Aepli, Climate Change Division, Office of Atmospheric Programs, (6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9423; fax number: (202) 343–2342; email address: *aepli.lauren@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: The Landfill Methane Outreach Program (LMOP), created by EPA as part of the United States' commitment to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change, is a voluntary program designed to encourage and facilitate the development of environmentally and economically sound landfill gas (LFG) energy projects across the United States to reduce methane emissions from landfills. LMOP meets these objectives by educating local governments and communities about the benefits of LFG recovery and use; building partnerships between state agencies, industry, energy service providers, local communities, and other stakeholders interested in developing this valuable resource in their community; and providing tools to evaluate LFG energy potential. LMOP signed voluntary Memoranda of Understanding (MOUs) with these organizations to enlist their support in promoting cost-effective LFG utilization. The information collection includes completion and submission of the MOU, periodic information updates, and annual completion and submission of basic information on landfill methane projects with which the organizations are involved as an effort to update the LMOP Landfill and Landfill Gas Energy Project Database. The information collection is to be utilized to maintain up-to-date data and information about LMOP Partners and LFG energy projects with which they are involved. The data

will also be used by the public to access LFG energy project development opportunities in the United States. In addition, the information collection will assist LMOP in evaluating the reduction of methane emissions from landfills.

Form numbers: 5900–157, 5900–158, 5900–159, 5900–160, 5900–161, and 5900–162.

Respondents/affected entities: Private companies and municipalities that own or operate landfills; manufacturers and suppliers of equipment/knowledge to capture and utilize LFG; utility companies; end-users of energy from landfills; developers of LFG energy projects; State agencies; and other LFG energy stakeholders.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 1,137 (total).

Frequency of response: On occasion.

Total estimated burden: 2,270 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $194,890 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in estimates: There is a decrease of 252 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to transition to an electronic collection of updates to landfill methane projects with which the organizations are involved.

Dated: August 29, 2018.

Paul M. Gunning,

Director, Climate Change Division.

[FR Doc. 2018–19260 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0563; FRL–9982–35]

Industrial Economics, Incorporated; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Industrial Economics, Incorporated in accordance with the CBI regulations. Industrial Economics, Incorporated has been awarded a contract to perform work for OPP, and access to this information will enable Industrial Economics, Incorporated to fulfill the obligations of the contract.

DATES: Industrial Economics, Incorporated will be given access to this information on or before September 10, 2018.

FOR FURTHER INFORMATION CONTACT: William Northern, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–6478 email address: *morthern.william@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0563, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Contractor Requirements

The contractor shall provide EPA such economic expertise for the annual updates of OECA's financial models, the development of new economic models as appropriate, and the education of enforcement professionals about the models and their applications and situations that may require case-specific financial analyses beyond using one of EPA's financial model.

The contractor shall, furthermore, provide accomplished expert advice to enforcement personnel about financial issues that may impact EPA enforcement litigation. When directed, the contractor shall be able to provide individuals with a record of expert capabilities and accomplishments to serve as witnesses at trials and hearings, as well as those with a knowledgeable background to support EPA during settlement negotiations.

In addition, the contractor shall provide assistance to OECA, OCE, and EPA Regional Offices on economic policy related to environment enforcement cases, as well as attendant applications of the financial models. However, EPA enforcement professionals and management will make all policy decisions in regard to ultimate financial accounting issues, approaches, and applications.

This contract will involve no subcontractors.

OPP has determined that the contract described in this document involve work that is being conducted in connection with FIFRA, in that pesticide chemicals will be the subject of certain evaluations to be made under this contract. These evaluations may be used in subsequent regulatory decisions under FIFRA.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under FIFRA sections 3, 4, 6, and 7 and under FFDCA sections 408 and 409.

In accordance with the requirements of 40 CFR 2.307(h)(3), the contract with Industrial Economics, Incorporated prohibits use of the information for any purpose not specified in these contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the *FIFRA Information Security Manual.* In addition, Industrial Economics, Incorporated is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to Industrial Economics, Incorporated until the requirements in this document have been fully satisfied. Records of information provided to Industrial Economics, Incorporated will be maintained by EPA Project Officers for this contract. All information supplied to Industrial Economics, Incorporated by EPA for use in connection with this contract will be returned to EPA when Industrial Economics, Incorporated has completed its work.

Authority: 7 U.S.C. 136 *et seq.*; 21 U.S.C. 301 *et seq.*

Dated: August 13, 2018.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2018–19261 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0075; FRL–9983–24–OAR]

Clean Air Act Advisory Committee (CAAAC): Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Environmental Protection Agency (EPA) announces an upcoming meeting for the Clean Air Act Advisory Committee (CAAAC). The EPA established the CAAAC on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises EPA on economic, environmental, technical, scientific and enforcement policy issues.

DATES: Pursuant to 5 U.S.C. App. 2 Section 10(a)(2), notice is hereby given that the CAAAC will hold its next face-to-face meeting on Wednesday, September 26th, 2018 from 1:00 p.m. until 5:30 p.m., continuing Thursday September 27th, 2018 from 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will take place at the Holiday Inn Arlington at Ballston, 4610 Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Larry Weinstock, Designated Federal Official, Clean Air Act Advisory Committee (6103A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–9226; email address: *weinstock.larry@epa.gov*. Additional information about this meeting, the CAAAC, and its subcommittees and workgroups can be found on the CAAAC website: *http://www.epa.gov/oar/caaac/.*

SUPPLEMENTARY INFORMATION: The committee agenda and any documents prepared for the meeting will be publicly available on the CAAAC website at *http://www.epa.gov/oar/caaac/* prior to the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available on the CAAAC website or by contacting the Office of Air and Radiation Docket and requesting information under docket EPA–HQ–OAR–2004–0075. The docket office can be reached by email at: *a-and-r-Docket@epa.gov* or FAX: 202–566–9744.

For information on access or services for individuals with disabilities, please contact Lorraine Reddick at *reddick.lorraine@epa.gov,* preferably at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: August 21, 2018.

John Shoaff,

Director, Office of Air Policy and Program Support.

[FR Doc. 2018–19253 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0082; FRL–9983–36–OAR]

Proposed Information Collection Request; Renewal; EPA's Natural Gas STAR Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit a renewal information collection request (ICR), ''EPA's Natural Gas STAR Program'' (EPA–HQ–OAR–2004–0082, OMB Control No. 2060–0328) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. Specifically, EPA is proposing to replace the current Program's Memorandum of Understanding (MOU) with a Partnership Agreement (PA), update the calculations used to estimate methane reductions, and create a vendor service provider directory. This is a renewal with modification of the existing ICR which expires on March 31, 2019. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 5, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0082 online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jerome Blackman, Office of Atmospheric Programs, Climate Change Division, (6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–343–9630; fax number: 202–343–2342; email address: *Blackman.Jerome@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Natural Gas STAR is a voluntary program sponsored by the U.S. Environmental Protection Agency (EPA) that encourages oil and natural gas companies to adopt cost effective technologies and practice that improve operational efficiency and reduce methane emissions. Methane is the primary component of natural gas and a potent greenhouse gas. The Program works with oil and natural gas companies in the production, gathering & processing, transmission, and distribution sectors to remove barriers that inhibit the implementation of technologies and practices that reduce methane emissions. The Program effectively promotes the adoption of emission reduction technologies and practices by helping Natural Gas Star partners evaluate Best Management Practices (BMPs) and Partner Reported Opportunities (PROs) in the context of their current operations, and implement them where cost effective. Implementation of the Program's BMPs and PROs saves participants money, improves operational efficiency, and enhances the protection of the environment.

Form Numbers: Companies that wish to become Natural Gas STAR partners sign and submit an one-page Memorandum of Understanding (MOU) to EPA that describes the terms of participation in the Program. The MOU forms covered under this ICR include:

- Production Partners: EPA Form No. 5900–105
- Transmission Partners: EPA Form No. 5900–96
- Distribution Partners: EPA Form No. 5900–98
- Gathering and Processing Partners: EPA Form No. 5900–101

Partners agree to complete and submit a Natural Gas STAR Implementation Plan within six to twelve months of signing the MOU. The Implementation Plan forms covered under this ICR include:

- Production Partners: EPA Form No. 5900–103
- Transmission Partners: EPA Form No. 5900–109
- Distribution Partners: EPA Form No. 5900–97
- Gathering and Processing Partners: EPA Form No. 5900–100

After one full year of participation in the Program, partners submit an annual report documenting the previous year's methane emission reduction activities. The annual reporting forms covered under this ICR include:

- Production Partners: EPA Form No. 5900–104
- Transmission Partners: EPA Form No. 5900–95
- Distribution Partners: EPA Form No. 5900–99
- Gathering and Processing Partners: EPA Form No. 5900–102

Respondents/affected entities: The gathering and processing, production, transmission, and distribution sectors of the natural gas industry.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 92 (total).

Frequency of response: Annual and semi-annual.

Total estimated burden: 1,991 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $184,242 (per year), there are no capital/start-up costs or O&M costs associated with this information collection.

Changes in Estimates: EPA expects that the burden associated with the final ICR submission will decrease slightly due to the Program's maturity and participation of companies in the new Methane Challenge Program.

Dated: August 29, 2018.

Paul M. Gunning,

Director, Climate Change Division.

[FR Doc. 2018–19254 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL9982–95—Region 1]

Proposed CERCLA Administrative Cost Recovery Settlement: Former Lawrence Metals Site, Chelsea, Massachusetts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comments.

SUMMARY: Notice is hereby given of a proposed administrative cost settlement for recovery of response costs concerning the Former Lawrence Metals Site, located in Chelsea, Suffolk County, Massachusetts, with the Settling Party, the Massachusetts Institute of Technology. The proposed settlement requires the Settling Party pay EPA $200,000 to settle EPA's past response costs, which amount to approximately $8,235,772. In exchange, EPA will provide the Settling Party with a covenant not to sue for past costs. The settlement has been approved by the Environmental and Natural Resources Division of the United States Department of Justice. For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the settlement for recovery of response costs. The Agency will consider all comments received and may modify or withdraw its consent to this cost recovery settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Environmental Protection Agency—Region I, 5 Post Office Square, Suite 100, Boston, MA 02109–3912.

DATES: Comments must be submitted by October 5, 2018.

ADDRESSES: Comments should be addressed to Man Chak Ng, Senior Enforcement Counsel, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (OES04–2), Boston, MA 02109–3912 (Telephone No. 617–918–1785) and should reference the Former Lawrence Metals Site, U.S. EPA Docket No: CERCLA 01–2018–0047.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Stacy Greendlinger, Office of Site Remediation and Restoration, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100 (OSRR02–2), Boston, MA 02109–3912, (617) 918–1403; *greendlinger.stacy@epa.gov.* Technical questions can also be directed to Stacy Greendlinger. For legal questions, Man Chak Ng, Office of Environmental Stewardship, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100 (OES04–2), Boston, MA 02109–3912, (617) 918–1785; *ng.manchak@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposed administrative settlement for recovery of past response costs concerning the Former Lawrence Metals Site, located in Chelsea, Suffolk County, Massachusetts, is made in accordance with Section 122(h)(l) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA covenants not to sue or take administrative action against the Settling Party, the Massachusetts Institute of Technology, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for Past Response Costs. In exchange, the Settling Party agrees to pay EPA $200,000. Payment of such amount shall be due within 10 days after the Effective Date and, if timely paid, shall include no interest. If payment is not paid as stipulated, interest shall accrue beginning as of the Effective Date and shall continue to

accrue on any unpaid amount until the total amount due has been received. For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the settlement for recovery of response costs. The Effective Date of the Agreement is the date upon which EPA notifies the Massachusetts Institute of Technology that the public comment period has closed and that such comments, if any, do not require that EPA modify or withdraw from the Agreement.

Dated: August 21, 2018.

Bryan Olson,

Director, Office of Site Remediation and Restoration.

[FR Doc. 2018–19256 Filed 9–4–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Communications Security, Reliability, and Interoperability Council (CSRIC) VI will hold its sixth meeting.

DATES: September 28, 2018.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Designated Federal Officer, (202) 418–1096 (voice) or *jeffery.goldthorp@fcc.gov* (email); or Suzon Cameron, Deputy Designated Federal Officer, (202) 418–1916 (voice) or *suzon.cameron@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: The meeting will be held on September 28, 2018, from 1:00 p.m. to 5:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW, Washington, DC 20554.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the FCC regarding best practices and actions the FCC can take to help ensure the security, reliability, and interoperability of communications systems. On March 19, 2017, the FCC, pursuant to the Federal Advisory Committee Act, renewed the charter for the CSRIC for a period of two years through March 18, 2019. The meeting on September 28, 2018, will be the sixth meeting of the CSRIC under the current charter. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Jeffery Goldthorp, CSRIC Designated Federal Officer, by email to *jeffery.goldthorp@fcc.gov* or U.S. Postal Service Mail to Jeffery Goldthorp, Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Room 7–A325, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2018–19149 Filed 9–4–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0824]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 5, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A

copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0824.

Title: Service Provider and Billed Entity Identification Number and Contact Information Form.

Form Number: FCC Form 498.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and Not-for-profit institutions.

Number of Respondents and Responses: 26,000 respondents; 26,000 responses.

Estimated Time per Response: 0.75 hours.

Frequency of Response: On occasion reporting requirements and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154 and 254 the Communications Act of 1934, as amended.

Total Annual Burden: 19,500 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission notes that the Universal Service Administrative Company (USAC) who administers the universal service program must preserve the confidentiality of all data obtained from respondents and contributors to the universal service programs, must not use the data except for purposes of administering the universal service programs, and must not disclose data in company-specific form unless directed to do so by the Commission. With respect to the FCC Form 498, USAC shall publish each participant's name, SPIN, and contact information via USAC's website. All other information, including financial institution account numbers or routing information, shall remain confidential.

Needs and Uses: One of the functions of the Universal Service Administrative Company (USAC) is to provide a means for the billing, collection and disbursement of funds for the universal service support mechanisms. On October 1998, the OMB approved FCC Form 498, the ''Service Provider Information Form'' to enable USAC to collect service provider name and address, telephone number, Federal Employer Identification Number (EIN), contact names, contact telephone numbers, and remittance information. FCC Form 498 enables participants to request a Service Provider Identification Number (SPIN) and provides the official record for participation in the universal service support mechanisms. The remittance information provided by participants on FCC Form 498 enables USAC to make payments to participants in the universal service support mechanisms.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–19150 Filed 9–4–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 28, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *GNI LLC, New York, New York;* to become a bank holding company by acquiring 100 percent of the voting shares of Wall Street Holding Company, Hamilton, North Dakota, and thereby acquire of Bank of Hamilton, Hamilton, North Dakota.

B. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *BayCom Corp, Walnut Creek, California;* to merge with Bethlehem Financial Corporation, and thereby acquire My Bank, both of Belen, New Mexico.

Board of Governors of the Federal Reserve System, August 29, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–19155 Filed 9–4–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0048; Docket No. 2018–0003; Sequence No. 9]

Information Collection; Authorized Negotiators and Integrity of Unit Prices

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 authorized negotiators and integrity of unit prices.

DATES: Submit comments on or before November 5, 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 9000–0048, Authorized Negotiators and Integrity of Unit Prices.

Instructions: All items submitted must cite Information Collection 9000–0048, Authorized Negotiators and Integrity of Unit Prices. 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: Mr. Michael O. Jackson, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–208–4949, or via email to *michaelo.jackson@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:* Authorized Negotiators and Integrity of Unit Prices.
3. *Agency form number, if any:* None.

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. 9000–0048, currently titled ''Authorized Negotiators,'' is proposed to be retitled ''Authorized Negotiators and Integrity of Unit Prices,'' due to consolidation with currently approved information collection requirement OMB Control No. 9000–0080, Integrity of Unit Prices.

This information collection requirement pertains to information that offerors and contractors must submit in response to the requirements in the Federal Acquisition Regulation (FAR) as follows:

1. Authorized Negotiators—FAR 52.215–1(c)(2)(iv). Firms offering supplies or services to the Government under negotiated solicitations must provide the names, titles, and telephone and facsimile numbers (and electronic addresses if available) of authorized negotiators to assure that discussions are held with authorized individuals.

2. Integrity of Unit Prices—FAR 52.215–14. This clause, Integrity of Unit Prices, requires offerors and contractors under Federal contracts awarded without adequate price competition to identify those supplies which they will not manufacture or to which they will not contribute significant value. This requirement does not apply to: Contracts below the simplified acquisition threshold, construction and architect-engineering services, utility services, service contracts where supplies are not required, commercial items, and contracts for petroleum products.

C. Annual Reporting Burden

1. Authorized Negotiators—FAR 52.215–1(c)(2)(iv)

Respondents: 15,524.
Responses per Respondent: 8.
Total Annual Responses: 124,192.
Hours per Response: 0.017.
Total Burden Hours: 2,111.

2. Integrity of Unit Prices—FAR 52.215–14

Respondents: 4,292.
Responses per Respondent: 10.
Total Annual Responses: 42,920.
Hours per Response: 1.
Total Burden Hours: 42,920.

3. Summary

Respondents: 19,816.
Total Annual Responses: 167,112.
Total Burden Hours: 45,031.
Affected Public: Businesses or other for-profit and not-for-profit institutions.
Frequency: Annually.
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. 9000–0048, Authorized Negotiators and Integrity of Unit Prices, in all correspondence.

William Clark,
Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2018–19128 Filed 9–4–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Privacy Act of 1974; Matching Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with subsection (e)(12) of the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of a new computer matching program between CMS and the Department of the Treasury (Treasury), Internal Revenue Services (IRS), ''Verification of Household Income and Family Size for Insurance Affordability Programs and Exemptions.''

DATES: The deadline for comments on this notice is October 5, 2018. The re-established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a

change to this notice. The matching program will be conducted for an initial term of 18 months (from approximately October 2018 to April 2020) and within 3 months of expiration may be renewed for one additional year if the parties make no change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit comments on the new matching program to the CMS Privacy Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1–14–56, 7500 Security Blvd., Baltimore, MD 21244–1850, or *walter.stone@cms.hhs.gov.* Comments received will be available for review without redaction unless otherwise advised by the commenter at this location, by appointment, during regular business hours, Monday through Friday from 9:00 a.m. to 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching program, you may contact Jack Lavelle, Senior Advisor, Marketplace Eligibility and Enrollment Group, Centers for Consumer Information and Insurance Oversight, CMS, at (410) 786–0639, by email at *Jack.Lavelle1@cms.hhs.gov,* or by mail at 7501 Wisconsin Ave., Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget (OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).

3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).

4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o) (2)(A)(i), (r), and (u)(3)(D).

5. Publish advance notice of the matching program in the *Federal Register* as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Walter Stone,

CMS Privacy Act Officer, Division of Security, Privacy Policy and Governance, Information Security and Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services.

PARTICIPATING AGENCIES:

The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Department of the Treasury (Treasury), Internal Revenue Services (IRS) is the source agency.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The statutory authority for the matching program is 42 U.S.C. 18001.

PURPOSE(S):

The purpose of the matching program is to provide CMS with IRS return information which CMS and state-based administering entities (AEs) will use to verify household income and family size for applicants and enrollees receiving (1) initial determinations of eligibility to enroll in a qualified health plan (including the Medicaid/Children's Health Insurance Program (CHIP) and a state's basic health program) through a federally-facilitated exchange established under the Affordable Care Act (ACA) and for insurance affordability programs (including advance payments of the premium tax credit and cost sharing reductions) and certificates of exemption; and (2) subsequent eligibility redetermination and renewal decisions, including appeal decisions.

CATEGORIES OF INDIVIDUALS:

The individuals whose information will be used in the matching program are consumers (applicants and enrollees) who receive the eligibility determinations described in the preceding Purpose(s) section (in particular, taxpayers whose return information is requested from IRS to verify an applicant's or enrollee's household income and family size).

CATEGORIES OF RECORDS:

The categories of records used in the matching program are identity information and return information (specifically, household income and family size information). To request return information from IRS, CMS will provide IRS with the relevant taxpayer's name, social security number (SSN), and relationship to the applicant(s) or enrollee(s) (*i.e.,* primary, spouse, or dependent). When IRS is able to match the SSN and name provided by CMS and return information is available, IRS will disclose to CMS the following items of return information with respect to that taxpayer:

1. SSN;
2. family size;
3. tax filing status;
4. modified adjusted gross income (MAGI);
5. taxable year with respect to which the preceding information relates or, if applicable, the fact that such information is not available; and
6. any other specified item of return information authorized pursuant to 26 U.S.C. 6103(1)(21) and its implementing regulations.

SYSTEM(S) OF RECORDS:

The records used in this matching program will be disclosed from the following systems of records, as authorized by routine uses published in the System of Records Notices (SORNs) cited below:

A. System of Records Maintained by CMS

- CMS Health Insurance Exchanges System (HIX), CMS System No. 09–70–0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

B. System of Records Maintained by IRS

- Customer Account Data Engine (CADE) Individual Master File, Privacy Act SOR Treasury/IRS 24.030, published at 80 FR 54082 (Sept. 8, 2015).

[FR Doc. 2018–19189 Filed 9–4–18; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Monthly Case Level (ACF–801).

OMB No.: 0970–0167.

Description: Section 658K of the Child Care and Development Block Grant

(CCDBG) Act (42 U.S.C. 9858, as amended by Pub. L. 113–186) requires that States and Territories submit case-level data on the children and families receiving direct services under the Child Care and Development Fund (CCDF). The implementing regulations for the statutorily required reporting are at 45 CFR 98.70 and 98.71. Case-level reports, submitted quarterly or monthly (at grantee option), include monthly sample or full population case-level data. The data elements to be included in these reports are represented in the ACF–801. ACF uses disaggregate data to determine program and participant characteristics as well as costs and levels of child care services provided. This provides ACF with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. ACF requests extension of the ACF–801 without changes.

Respondents: States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianna Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–800	56	4	25	5,600

Estimated Total Annual Burden Hours: 5,600.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–19170 Filed 9–4–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child Care and Development Fund Annual Aggregate Report (ACF–800).

OMB No.: 0970–0150.

Description: Section 658K of the Child Care and Development Block Grant (CCDBG) Act (42 U.S.C. 9858, as amended by Pub. L. 113–186) requires that States and Territories submit annual aggregate data on the children and families receiving direct services under the Child Care and Development Fund (CCDF). The implementing regulations for the statutorily required reporting are at 45 CFR 98.70 and 98.71. Annual aggregate reports include data elements represented in the ACF–800 reflecting the scope, type, and methods of child care delivery. This provides ACF with the information necessary to make reports to Congress, address national child care needs, offer technical assistance to grantees, meet performance measures, and conduct research. Consistent with the statute and regulations, ACF requests extension of the ACF–800 without changes.

Respondents: States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianna Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–800	56	1	42	2,352

Estimated Total Annual Burden Hours: 2,352.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Email: OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–19133 Filed 9–4–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

National Advisory Council on Nurse Education and Practice; Notice of Public Meeting

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Meeting notice.

SUMMARY: The National Advisory Council on Nurse Education and Practice (NACNEP) has scheduled a public meeting. Information about NACNEP and the agenda for this meeting can be found on the NACNEP website at *https://www.hrsa.gov/advisory-committees/nursing/index.html.*

DATES: September 26, 2018, 9:00 a.m. to 4:00 p.m., and September 27, 2018, 9:00 a.m. to 2:00 p.m. ET.

ADDRESSES: This meeting will be held in person and offer virtual access through teleconference and webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857.

- *Webinar link: https://hrsa.connectsolutions.com/nacnep/.*
- *Conference call-in number:* 1–800–289–0436; passcode: 211848.

FOR FURTHER INFORMATION CONTACT: Tracy L. Gray, MBA, MS, RN, Designated Federal Official, Division of Nursing and Public Health, Bureau of Health Workforce, HRSA. Address: 5600 Fishers Lane, 11N112, Rockville, Maryland 20857; phone: 301–443–3346; or email: *Tgray1@hrsa.gov.*

SUPPLEMENTARY INFORMATION: NACNEP provides advice and recommendations to the Secretary of HHS and the U.S. Congress on policy issues related to the activities carried out under Title VIII of the Public Health Service (PHS) Act. The Secretary of HHS, and by delegation, the Administrator of HRSA, is charged under Title VIII of the PHS Act as amended, with responsibility for a wide range of activities in support of nursing education and practice which include: Enhancement of the composition of the nursing workforce; improvement of the distribution and utilization of nurses to meet the health needs of the nation; expansion of the knowledge, skills, and capabilities of nurses to enhance the quality of nursing practice; development and dissemination of improved models of organization; financing and delivery of nursing services; and promotion of interdisciplinary approaches to the delivery of health services particularly in the context of public health and primary care.

During the September 26–27, 2018, meeting, NACNEP will discuss areas where nursing can take the lead in the transition of the health care system to value-based care, to advance the development of its 15th annual report. The report is submitted to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives. The members will also discuss strategic priorities and future directions for NACNEP.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. 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 NACNEP should be sent to Ms. Tracy L. Gray, Designated Federal Official, using the contact information above at least 3 business days prior to the meeting.

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Ms. Tracy L. Gray at the address and phone number 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.

John R. Womack,

Acting Deputy Director, Division of the Executive Secretariat.

[FR Doc. 2018–19168 Filed 9–4–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2018–0012; OMB No. 1660—NEW]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Catastrophic Resource Catalog

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before October 5, 2018.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Thomas Murray, Fire Program Specialist, FEMA, U.S. Fire Administration, (301) 447–1588, *Thomas.murray2@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on March 29, 2018 at 83 FR 13496 with a 60 day public comment period. FEMA received 4 anonymous public comments that were not relevant to the information collection. Additionally, FEMA noticed that the previously-published proposed collection incorrectly contained the

term ''ESF–4'' in the Abstract section; accordingly, the term ''ESF–4'' has been removed from the Abstract section. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: National Catastrophic Resource Catalog.

Type of Information Collection: New information collection.

OMB Number: 1660–NEW.

Form Titles and Numbers: FEMA Form 035–0–1, National Catastrophic Resource Catalog.

Abstract: This information collection will help USFA meet the firefighting resource requirements before/during a national catastrophic disaster response, such as an earthquake, hurricane, or terroristic act. USFA will pre-identify those specialized resources that may be available to support a disaster response. This collection will be solicited from the nation's fire and emergency services on a voluntary basis to establish a catalog/database of potential resources that could be mobilized to support a national catastrophic disaster response.

Affected Public: Not-for-profit institutions; State, Local or Tribal Governments.

Estimated Number of Respondents: 3,947.

Estimated Number of Responses: 3,947.

Estimated Total Annual Burden Hours: 439.

Estimated Total Annual Respondent Cost: $23,728.94.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $85,824.49.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Rachel Frier,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2018–19143 Filed 9–4–18; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N059; FXES1114080000–189–FF08ECAR00]

Endangered and Threatened Wildlife and Plants; Coachella Valley Association of Governments Incidental Take Permit Application for Casey's June Beetle and Proposed Low-Effect Habitat Conservation Plan; City of Palm Springs, Riverside County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from the Coachella Valley Association of Governments (applicant) for a 30-year incidental take permit (permit) under the Endangered Species Act of 1973, as amended (ESA). The application addresses the potential for ''take'' of the federally endangered Casey's June beetle that is likely to occur incidental to the construction, maintenance, and use of a portion of the CV Link, which is a multi-modal pathway to be built in the City of Palm Springs, Riverside County, California. We invite comments from the public on the application package, which includes a low-effect habitat conservation plan.

DATES: To ensure consideration, please send your written comments by October 5, 2018.

ADDRESSES:

Document availability: You may download a copy of the habitat conservation plan, draft environmental action statement and low-effect screening form, and related documents from the internet at *https://www.fws.gov/carlsbad/HCPs/HCP_Docs.html,* or you may request copies of the documents by U.S. mail from our Palm Springs office at the address below or by phone (see **FOR FURTHER INFORMATION CONTACT**).

Comment submission: Please address written comments to Kennon A. Corey, Assistant Field Supervisor, Palm Springs Fish and Wildlife Office, U.S. Fish and Wildlife Service, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262. You may alternatively send comments via electronic mail to *fw8psfwocomments@fws.gov* or by facsimile to (760) 322–4648.

FOR FURTHER INFORMATION CONTACT: Jenness McBride, Supervisory Fish and Wildlife Biologist, (760) 322–2070.

SUPPLEMENTARY INFORMATION: We have received an application from the Coachella Valley Association of Governments for a 30-year incidental take permit under the ESA. The application addresses the potential for ''take'' of the federally endangered Casey's June beetle (*Dinacoma caseyi*) likely to occur incidental to the construction, maintenance, and use of a portion of the proposed CV Link multi-modal pathway in the City of Palm Springs, Riverside County, California. We invite comments from the public on the application package, which includes a low-effect habitat conservation plan (HCP). We have preliminarily determined that this proposed action is eligible for a categorical exclusion under the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*). The basis for this determination is discussed in our draft environmental action statement and associated low-effect screening form, which are also available for public review.

Background

The U.S. Fish and Wildlife Service (Service) added the Casey's June beetle to the List of Endangered and Threatened Wildlife as endangered on September 22, 2011 (76 FR 58954). Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations in title 50 of the Code of Federal Regulations (CFR) prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental taking'' is defined under the ESA implementing regulations as taking that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental

take permits for endangered and threatened species are provided at 50 CFR 17.22 and 17.32, respectively.

In addition to meeting the issuance criteria under section 10(a)(1)(B) of the ESA, actions undertaken through implementation of the HCP must not jeopardize the continued existence of federally listed animal or plant species (16 U.S.C. 1536). If the permit is issued, the permittee will receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposal

The Coachella Valley Association of Governments (applicant) has submitted a low-effect HCP in support of its application for an incidental take permit to address take of the Casey's June beetle that is likely to occur as the result of direct impacts to approximately 1.78 acres of fragmented habitat occupied by the species. Take would be associated with the development of an approximately 2-mile portion of the CV Link, which is a 49-mile-long, paved, multi-modal pathway to be built through the Coachella Valley. Construction of the pathway will increase recreational opportunities for cyclists and pedestrians and provide an alternative transportation corridor for low-speed, neighborhood electric vehicles. This portion of the CV Link would involve widening and repaving existing sidewalks and paths adjacent to patches of habitat occupied by Casey's June beetle in Demuth Park and the nearby Tahquitz Creek Golf Course in the City of Palm Springs. The applicant is requesting a permit for take of Casey's June beetle that would result from activities covered under the HCP related to the CV Link pathway in this area.

The applicant's conservation strategy, in part, proposes to mitigate the impacts to Casey's June beetle by dedicating a conservation easement on approximately 10.38 acres at the Tahquitz Creek Golf Course that would be restored from golf course landscaping to native habitat suitable for Casey's June beetle. A 30-year permit is requested to authorize take that would occur incidental to construction, maintenance, and use of this portion of the CV Link pathway as well as to cover potential short-term impacts within the conservation easement area as a result of habitat enhancement, restoration, and creation activities.

The applicant proposes to avoid, minimize, and mitigate impacts to the Casey's June beetle associated with the covered activities by fully implementing the HCP. The following measures would be implemented:

(1) No construction would occur during the Casey's June beetle flight season (March 1 to May 31);

(2) lighting fixtures would be turned off or non-insect-attracting lights would be used during the flight season;

(3) no electronic ''bug zappers'' would be used;

(4) up to five educational kiosks would be installed along the pathway;

(5) approximately 10.38 acres of contiguous and nearby mitigation sites pre-selected by the Service, in or adjacent to Palm Canyon Wash at the Tahquitz Creek Golf Course, would be preserved under conservation easement and managed to enhance, restore, and create Casey's June beetle habitat;

(6) mitigation sites would be dedicated to future translocation of Casey's June beetles from other development sites or release of Casey's June beetles from a future Service program for controlled propagation of Casey's June beetles; and

(7) mitigation sites would be monitored and managed by a qualified land management organization approved by the Service.

The Coachella Valley Association of Governments would fund acquisition and initial restoration of the mitigation sites from its Active Transportation Program and would fund a non-wasting endowment in the amount of $160,075 for the long-term management of the mitigation sites.

In the proposed HCP, the applicant considers a ''No Project'' alternative to the proposed action. Under the ''No Project'' alternative, a permit for the incidental take of Casey's June beetle would not be issued for the CV Link project and the proposed conservation strategy and subsequent habitat restoration would not occur to assist recovery actions for Casey's June beetle. The ''No Project'' alternative would not result in upgrading existing sidewalks and paths to CV Link standards at Demuth Park and Tahquitz Creek Golf Course and would not result in conservation for Casey's June beetle; therefore, the applicant did not propose to utilize the ''No Project'' alternative.

Our Preliminary Determination

The Service has made a preliminary determination that approval of the HCP and issuance of an incidental take permit qualify for categorical exclusion under NEPA, as provided by the Department of the Interior implementing regulations in 43 CFR 46.205, 46.210, and 46.215, and that the HCP qualifies as a ''low-effect'' plan as defined by the *Revised Habitat Conservation Planning Handbook* (December 2016).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria: (1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and/or candidate species and their habitats; (2) implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the HCP, considered together with those of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. However, based upon our review of public comments that we receive in response to this notice, this preliminary determination may be revised.

Next Steps

We will evaluate the proposed HCP and comments we receive to determine whether the permit application meets the requirements and issuance criteria under section 10(a) of the ESA. We will also evaluate whether issuance of a section 10(a)(1)(B) permit would comply with section 7(a)(2) of the ESA by conducting an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements and issuance criteria under section 10(a)(1)(B) are met, we will issue the permit to the applicant for incidental take of Casey's June beetle.

Public Comments

If you wish to comment on the permit application, proposed HCP, and associated documents, you may submit comments by any of the methods noted in **ADDRESSES**.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA (42 U.S.C. 4321 *et seq.*).

G. Mendel Stewart,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2018–19187 Filed 9–4–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2018–N062; FXES11140300000 FF03E00000]

Habitat Conservation Plan for Mitchell's Satyr and Poweshiek Skipperling Butterflies; Categorical Exclusion for Indiana and Michigan Habitat Restoration and Management Activities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received applications from the Michigan Department of Natural Resources (MDNR) and the Indiana Department of Natural Resources (IDNR) for incidental take permits (ITP) under the Endangered Species Act. If approved, the permits would authorize the incidental take of two federally endangered butterflies, the Mitchell's satyr and the Poweshiek skipperling. The MDNR is applying for an ITP for take of the Mitchell's satyr and Poweshiek skipperling, while the IDNR is applying for an ITP for the Mitchell's satyr only. The ITP applications include one habitat conservation plan to cover activities associated with maintaining, managing, and restoring the fen habitats occupied by these species. We have made a preliminary determination that the HCP and permit applications are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA). We are accepting comments on the applicants' draft HCP, and our low-effect screening form and environmental action statement.

DATES: To ensure consideration, please send your written comments on or before October 5, 2018.

ADDRESSES: *Document Availability:*

- *Internet:* You may obtain copies of the documents on the internet at *https://www.fws.gov/midwest/endangered/permits/hcp/r3hcps.html.*
- *U.S. Mail:* You can obtain the documents by mail from the Michigan Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).
- *In-Person:* To view hard copies of the documents in person, go to the Ecological Services Office (8 a.m. to 4 p.m.) listed under **FOR FURTHER INFORMATION CONTACT**.

Comment submission: In your comment, please specify whether your comment addresses the draft HCP, EAS, or any combination of the aforementioned documents, or other supporting documents. You may submit written comments by one of the following methods:

- *Electronically:* Submit by email to *EastLansing@fws.gov.*
- *By hard copy:* Submit by U.S. mail or hand-delivery to U.S. Fish and Wildlife Service; Michigan Ecological Services Field Office, 2651 Coolidge Rd., Ste. 101, East Lansing, Michigan 48823.

FOR FURTHER INFORMATION CONTACT: Carrie Tansy, Michigan Ecological Services Field Office, 2651 Coolidge Rd., Ste. 101, East Lansing, Michigan 48823; telephone (517–351–8375), or by facsimile (517–351–1443). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877–8339. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877– 8339.

SUPPLEMENTARY INFORMATION: We have received applications from the Michigan Department of Natural Resources (MDNR) and the Indiana Department of Natural Resources (IDNR) for 20-year incidental take permits (ITP) under the ESA. The MDNR is applying for an ITP for take of the endangered Mitchell's satyr (*Neonympha mitchellii mitchellii*) and Poweshiek skipperling (*Oarisma poweshiek*) butterflies. The State of Indiana is applying for an ITP for the Mitchell's satyr only. The applications address the potential for ''take'' of the federally endangered butterflies that is likely to occur incidental to the implementation of habitat management activities designed to benefit the species. We are requesting comments on the proposed HCP and our preliminary determination that the plan qualifies as eligible for a categorical exclusion under the National Environmental Policy Act.

Background

We listed the Mitchell's satyr as endangered on June 25, 1991 (56 FR 28825), and the Poweshiek skipperling as endangered on October 24, 2014 (79 FR 63672). Section 9 of the ESA prohibits the ''taking'' of endangered species. However, provided certain criteria are met, we are authorized to issue permits under section 10(a)(1)(B) of the ESA for take of federally listed species, when, among other things, such a taking is incidental to, and not the purpose of, otherwise lawful activities. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect endangered and threatened species, or to attempt to engage in any such conduct. Our implementing regulations define ''harm'' as significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Harass, as defined, means ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the ESA contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met: (1) The taking will be incidental; (2) The applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; (3) The applicant will develop a proposed HCP and ensure that adequate funding for the HCP will be provided; (4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and (5) The applicant will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP. In addition to meeting other specific criteria, actions undertaken through implementation of the Habitat Conservation Plan (HCP) must not jeopardize the continued existence of federally listed animal or plant species.

Applicants' Proposal

The MDNR and IDNR (hereafter, the applicants) have submitted an HCP in support of their applications for ITPs to address take of the Mitchell's satyr and Poweshiek skipperling. Covered activities include actions necessary to maintain, manage, and restore fen

habitats occupied by these two endangered butterflies. The HCP's area encompasses the counties of Berrien, Branch, Cass, Jackson, Oakland, Van Buren, and Washtenaw in Michigan and LaGrange County in Indiana. The covered activities include the following: Hydrology restoration, prescribed burning, mowing/hydro-axing, vegetation removal, biological control of invasive species, livestock grazing, seeding and planting, and butterfly surveys. The applicants have determined that actions associated with the maintenance and restoration of butterfly habitat has the potential to incidentally take the species. Both butterfly species could be injured or killed by the actions to maintain and restore their habitat.

The HCP's proposed conservation strategy is designed to minimize and mitigate the impacts of covered activities on the covered species. The biological goals are to complement the needed conservation actions to restore and conserve the species' habitat in Michigan and Indiana. The proposed action consists of the issuance of ITPs and implementation of the proposed HCP. Three alternatives were considered in the HCP. The proposed alternative in the draft HCP is the issuance of ITPs to the State of Indiana and the State of Michigan to authorize take of MSB and PS on private lands and public lands. The first alternative considered, but not selected, was restricting the HCP to public agencies only. However, this would miss the opportunity to work more efficiently with non-public landowners where the species frequently occur and thus result in fewer conservations actions to benefit the species. The second alternative considered, but not selected, was for the current status quo or no action (*i.e.,* only existing management techniques that are approved on a site-by-site, project-by-project basis under ESA section 7 consultation or 10(a)(1)(A) recovery permits). This alternative results in a lower efficiency, as each agency or organization develops and applies for individual permits or authorizations rather than being part of a coordinated effort. The quantity and quality of conservation actions is expected to be lower under the status quo than under the other alternatives considered. Under the proposed alternative, non-Federal cooperators who wish to conduct habitat management activities for the butterflies may participate through certificates of inclusion by agreeing to implement the conservation measures and other requirements of the HCP. The certificates of inclusion will be issued by each State and will convey all of the ITPs incidental take authorization.

Our Preliminary Determination

We are requesting comments on our preliminary determination that the applicants' proposal will have a minor or negligible effect on the endangered butterflies and that the plan qualifies as a low-effect HCP as defined by our Habitat Conservation Planning Handbook (December 2016). We base our determinations on three criteria: (1) Implementation of the proposed project as described in the HCP would result in minor or negligible effects on federally listed, proposed, and/or candidate species and their habitats; (2) implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and (3) HCP impacts, considered together with those of other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant effects. In our analysis of these criteria, we have made a preliminary determination that the approval of the HCP and issuance of an ITP qualify for categorical exclusion under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), as provided by the Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215). However, based upon our review of public comments that we receive in response to this notice, this preliminary determination may be revised.

Next Steps

We will evaluate the permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of the ESA, NEPA, and their implementing regulations. If we determine that all requirements are met, we will issue permits under section 10(a)(1)(B) of the ESA to the MDNR and IDNR. We will not make our final decision on the permit application until after the end of the public comment period, and we will fully consider all comments we receive during the comment period.

Public Comments

You may submit your comments and materials related to the draft HCP, DEA, or other supporting documents by one of the methods listed in **ADDRESSES**. We request that you send comments by only one of the methods described in **ADDRESSES**.

Comments and materials we receive, as well as documents associated with the notice, will be available for public inspection by appointment, during normal business hours, at the Michigan Ecological Services Field Office in East Lansing, Michigan (see **FOR FURTHER INFORMATION CONTACT**). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in you comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and the NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Dated: April 27, 2018.

Lori H. Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2018–19188 Filed 9–4–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLID957000.LI4400000.BJ0000.241A.X. 4500104880]

Filing of Plats of Survey: Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Idaho State Office, Boise, Idaho, 30 days from the date of this publication.

Boise Meridian

Idaho

T. 6 S, R. 33 E,
Section 26, accepted August 29, 2018.
T. 36 N, R. 4 W,
Section 26, accepted August 29, 2018.
T. 13 N, R. 42 E,
Sections 7, 8 and 9, accepted August 29, 2018.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Idaho State Office, 1387 S Vinnell Way, Boise, Idaho 83709, upon required payment.

FOR FURTHER INFORMATION CONTACT: Timothy A. Quincy, (208) 373–3981, Branch of Cadastral Survey, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho 83709–1657. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Quincy. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, Bureau of Land Management. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will be untimely and will not be considered. A protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Timothy A. Quincy,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 2018–19180 Filed 9–4–18; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[18X.LLAK930000 L13100000.PP0000]

Notice of Availability of the Final Supplemental Environmental Impact Statement for the Alpine Satellite Development Plan for the Greater Mooses Tooth 2 Development Project, National Petroleum Reserve in Alaska

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM), Arctic District Office, Fairbanks, Alaska, is issuing the Final Supplemental Environmental Impact Statement (EIS) for the Alpine Satellite Development Plan for the Greater Mooses Tooth 2 (GMT2) Development Project, National Petroleum Reserve in Alaska (NPR–A). The EIS supplements the September 2004 Alpine Satellite Development Plan Final EIS that originally analyzed the GMT2 Project, regarding establishing satellite oil production pads and associated infrastructure within the Alpine field.

DATES: The BLM will issue a Record of Decision for the application for permit to drill no earlier than 30 days from the date of the Notice of Availability published by the Environmental Protection Agency.

ADDRESSES: Requests for information regarding the Final Supplemental EIS may be mailed to: GMT2 Final Supplemental EIS, Attn: Stephanie Rice, 222 West 7th Avenue #13, Anchorage, Alaska 99513. The GMT2 Final Supplemental EIS is available online at BLM Alaska's website at *http://www.blm.gov/alaska.* You may also request an electronic or paper copy of the GMT2 Final Supplemental EIS by contacting Stephanie Rice, BLM project lead, at 907–271–3202.

FOR FURTHER INFORMATION CONTACT: Stephanie Rice, BLM Alaska State Office, 907–271–3202. People who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The GMT2 Supplemental EIS analyzes an application from ConocoPhillips Alaska, Inc. (ConocoPhillips). The application is for a permit to drill and related authorizations to construct, operate, and maintain a drill site, access road, pipelines, and ancillary facilities on federally managed land to support development of petroleum resources at the GMT2 drill site. BLM Alaska manages the surface and subsurface at the drill site and at the proposed infield road and pipeline route. ConocoPhillips may also develop subsurface resources owned by the Arctic Slope Regional Corporation, and may occupy surface lands owned by the Kuukpik Corporation.

The proposed GMT2 site is approximately 25 miles southwest of the ConocoPhillips-operated Alpine Central Processing Facility (CD1) and will be operated and maintained by staff at the Alpine Central Processing Facility.

The GMT2 Project was originally analyzed as the Colville Delta 7 (CD7) drill pad in the BLM's September 2004 Alpine Satellite Development Plan Final EIS. The purpose of the Supplemental EIS is to evaluate any relevant new circumstances and information that have arisen since the Alpine Satellite Development Plan Final EIS, to update the alternatives in the 2004 EIS, and to address any changes to ConocoPhillips' proposed development plan for GMT2. The GMT2 Final Supplemental EIS analyzes four alternatives, including two alternatives with an access road, an alternative without an access road, and a no-action alternative.

The Supplemental EIS will result in a Record of Decision (ROD) that will approve, deny, or approve with modification, ConocoPhillips' application, as well as incorporate any additional mitigation measures that may be appropriate. The Draft Supplemental EIS, published in March 2018, identified Alternative A, the Proponent's Proposal, as the BLM's preferred alternative. The Final Supplemental EIS also identifies Alternative A as BLM's Preferred Alternative.

The key issues in the GMT2 Final Supplemental EIS are the protection of surface resources; the minimization of social impacts; and the identification of appropriate mitigation measures for the construction, operation, and maintenance of a drill site and access road, pipelines, and ancillary facilities to support development of petroleum resources at the proposed GMT2 site.

Authority: 40 CFR 1506.6(b).

Karen E. Mouritsen,

Acting State Director, Alaska.

[FR Doc. 2018–19197 Filed 9–4–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0117]

Agency Information Collection Activities: Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing our intention to request renewed approval for the collection of information for Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned control number 1029–0117.

DATES: Interested persons are invited to submit comments on or before November 5, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: The Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, Attn: John Trelease, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) is the estimate of burden accurate; (3) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title of Collection: 30 CFR part 778—Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.

OMB Control Number: 1029–0117.

Abstract: Section 507(b) of Public Law 95–87 provides that persons conducting coal mining activities submit to the regulatory authority all relevant information regarding ownership and control of the mining company, their compliance status and history, and authority to mine the property. This information is used to insure all legal, financial and compliance requirements are satisfied prior to issuance or denial of a permit.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Surface coal mining permit applicants and State regulatory authorities.

Total Estimated Number of Annual Respondents: 162 Surface coal mining permit applicants and 24 State regulatory authorities.

Total Estimated Number of Annual Responses: 1,091 Surface coal mining permit applicants and 448 State regulatory authorities.

Estimated Completion Time per Response: Varies from .5 hour to 16 hours for permit applicants, and 1 to 3 hours for States, depending on activity.

Total Estimated Number of Annual Burden Hours: 4,512 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–19219 Filed 9–4–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0089]

Agency Information Collection Activities: Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing our intention to request renewed approval for the collection of information which implements the requirement in Section 701(28) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This grants an exemption from the requirements of SMCRA to operators extracting not more than 16 ⅔ percentage tonnage of coal incidental to the extraction of other minerals. This information will be used by the regulatory authorities to make that determination.

DATES: Interested persons are invited to submit comments on or before November 5, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: The Office of Surface Mining Reclamation and Enforcement,

Information Collection Clearance Officer, Attn: John Trelease, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) is the estimate of burden accurate; (3) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title of Collection: 30 CFR part 702—Exemption for Coal Extraction Incidental to the Extraction of Other Minerals.

OMB Control Number: 1029–0089.

Abstract: This Part implements the requirement in Section 701(28) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), which grants an exemption from the requirements of SMCRA to operators extracting not more than 16 ⅔ percentage tonnage of coal incidental to the extraction of other minerals. This information will be used by the regulatory authorities to make that determination.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Coal mine operators and State regulatory authorities.

Total Estimated Number of Annual Respondents: 43 Coal mine operators and 24 State regulatory authorities.

Total Estimated Number of Annual Responses: 48 Coal mine operator responses and 79 State regulatory authority responses.

Estimated Completion Time per Response: Varies from 1 to 28 hours per response from Coal mine operators, and 1 to 20 hours for State regulatory authorities, depending on collection activity.

Total Estimated Number of Annual Burden Hours: 396 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once and annually.

Total Estimated Annual Nonhour Burden Cost: $600.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–19218 Filed 9–4–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0115]

Agency Information Collection Activities: Requirements for Permits and Permit Processing

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing our intention to request renewed approval for the collection of information for permits and permit processing. This information collection also authorizes the collection of permit processing fees approved under OSMRE regulations.

DATES: Interested persons are invited to submit comments on or before November 5, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to: The Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, Attn: John Trelease, 1849 C Street NW, Mail Stop 4559, Washington, DC 20240. Comments may also be submitted electronically to *jtrelease@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) is the estimate of burden accurate; (3) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your

comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title of Collection: 30 CFR part 773—Requirements for Permits and Permit Processing.

OMB Control Number: 1029–0115.

Abstract: This collection of information is authorized by part 773 which addresses general and specific requirements for applicants to provide information in the permitting process, and for regulatory authorities to review permit applications, determine permit eligibility, and ascribe permit conditions. Part 773 also contains provisions governing provisionally issued permits, improvidently issued permits, and challenges of ownership or control listings and findings. This information collection also authorizes the collection of permit processing fees approved under OSMRE regulations.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Coal mine operators and State regulatory authorities.

Total Estimated Number of Annual Respondents: 963 Coal mine operators and 24 State regulatory authorities.

Total Estimated Number of Annual Responses: 963 Coal mine operator responses and 4,935 State regulatory authority responses.

Estimated Completion Time per Response: Varies from 1 to 6 hours per response from Coal mine operators, and 1 to 32 hours for State regulatory authorities, depending on collection activity.

Total Estimated Number of Annual Burden Hours: 39,224 hours.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $100,500.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: The authorities for this action are the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1201 *et seq.*), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–19220 Filed 9–4–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–1130]

Certain Beverage Dispensing Systems and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 2, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Heineken International B.V. of The Netherlands; Heineken Supply Chain B.V. of The Netherlands; and Heineken USA Inc. of White Plains, New York. The complaint was supplemented on August 28, 2018. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain beverage dispensing systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,188,751 (''the '751 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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, Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. 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.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, The Office of the Secretary, Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION: *Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2018).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 29, 2018, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–11 of the '751 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''drink dispensing systems that include a dispenser, a replaceable dispensing line, and a beverage container'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Heineken International B.V., Tweede Weteringplantsoen 21, 1017 ZD Amsterdam, The Netherlands

Heineken Supply Chain B.V., Tweede Weteringplantsoen 21, 1017 ZD Amsterdam, The Netherlands

Heineken USA Inc., 360 Hamilton Avenue, Suite 1103, White Plains, NY 10601

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Anheuser-Busch InBev S.A., Brouwerijplein 1, 3000 Leuven, Belgium

InBev Belgium N.V., Brouwerijplein 1, 3000 Leuven, Belgium
Anheuser-Busch, LLC, One Busch Place, St. Louis, MO 63118

The Office of Unfair Import Investigations will not participate as a party in this investigation.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: August 29, 2018.

Katherine Hiner,

Supervisory Attorney.

[FR Doc. 2018–19167 Filed 9–4–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

193rd Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans: Notice of Teleconference Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 193rd meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held as a teleconference on September 25, 2018.

The meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 in C5515 Room 2. The meeting will run from 10:00 a.m. to approximately 4:00 p.m. The purpose of the open meeting is to discuss reports/recommendations for the Secretary of Labor on the issues of: (1) Evaluating the Department's Regulations and Guidance on ERISA Bonding Requirements and Exploring Reform Considerations; and, (2) Lifetime Income Products as a Qualified Default Investment Alternative (QDIA)—Focus on Decumulation and Rollovers. Descriptions of these topics are available on the Advisory Council page of the Employee Benefits Security Administration (EBSA) website, at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 20 copies on or before September 18, 2018, to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW, Washington, DC 20210. Statements also may be submitted as email attachments in word processing or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Statements deemed relevant by the Advisory Council and received on or before September 18 will be included in the record of the meeting and made available through the EBSA Public Disclosure Room. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 10 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by September 18, 2018, at the address indicated.

Signed at Washington, DC, this day of August 29, 2018.

Preston Rutledge,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2018–19252 Filed 9–4–18; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Coal Mine Workers' Compensation Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general 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 to 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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Authorization for Release of Medical Information (CM–936). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before November 5, 2018.

ADDRESSES: You may submit comments by mail, delivery service, or by hand to Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW, Room S–3323, Washington, DC 20210; by fax (202) 354–9647; or by email to *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail/delivery, fax, or Email). Please note that comments submitted after the comment period will not be considered.

SUPPLEMENTARY INFORMATION

I. Background: The Black Lung Benefits Act, as amended, 30 U.S.C. 901 *et seq.,* and 20 CFR 725.405 require that all relevant medical evidence be considered before a decision can be

made regarding a claimant's eligibility for benefits. By signing the CM–936 form, the claimant authorizes physicians, hospitals, medical facilities or organizations, and the National Institute for Occupational Safety and Health to release medical information about the miner to the Department of Labor's Office of Workers' Compensation Programs. The form contains information required by medical institutions and private physicians to enable them to release pertinent medical information. This information collection is currently approved for use through November 30, 2018.

II. Review Focus: The Department of Labor is particularly interested in comments which:

* 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 submissions of responses.

III. Current Actions: The Department of Labor seeks approval for the extension of this currently-approved information collection in order to obtain claimant consent for the release of medical information for consideration by the Office of Workers' Compensation Programs in their claim for benefits. Failure to gather this information would inhibit the adjudication of black lung claims because pertinent medical data would not be available for consideration during the processing of the claim.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Authorization for Release of Medical Information.

OMB Number: 1240–0034.

Agency Number: CM–936.

Affected Public: Individuals or households.

Total Respondents: 7,000.

Total Annual Responses: 7,000.

Average Time per Response: 5 minutes.

Estimated Total Burden Hours: 583 hours.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $7,420.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 27, 2018.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2018–19222 Filed 9–4–18; 8:45 am]

BILLING CODE 4510–CK–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 18–11]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2019 and Countries That Would Be Candidates but for Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(a) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2019. The report is set forth in full below.

Dated: August 30, 2018.

Jeanne M. Hauch,

VP/General Counsel and Corporate Secretary.

Report on Countries That Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2019 and Countries that would be Candidates but for Legal Prohibitions

Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2019 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) the opportunity to reduce poverty and generate economic growth in the country, and (c) the availability of funds to MCC. These steps include the submission to the congressional committees specified in the Act and publication in the **Federal Register** of reports on the following:

○ The countries that are ''candidate countries'' for FY 2019 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

○ The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act); and

○ The list of countries determined by the Board to be ''eligible countries'' for FY 2019, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2019

The Act requires the identification of all countries that are candidate countries for FY 2019 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under sections 606(a) and (b) of the Act, candidate countries must qualify as low income or lower middle income countries as defined in the Act.

Specifically, a country will be a candidate country in the low income category for FY 2019 if it:

○ Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($3,895 gross national income per capita for FY 2019);

○ Is among the 75 countries identified by the World Bank as having the lowest per capita income; and

○ Is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

A country will be a candidate country in the lower middle income category for FY 2019 if it:

○ Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($3,895 gross national income per capita for FY 2019);

○ Is not among the 75 countries identified by the World Bank as having the lowest per capita income; and

○ Is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of the Foreign Assistance Act or any other provision of law.

Under section 606(c) of the Act as applied for FY 2019, a country with per capita income changes from FY 2018 to FY 2019 such that the country would be reclassified from the low income category to the lower middle income category or vice versa will retain its income status in its former category for FY 2019 and two subsequent fiscal years (FY 2020 and FY 2021). A country that has transitioned to the upper middle income category does not qualify as a candidate country.

Pursuant to section 606(d) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2019. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2018 under the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018.

Candidate Countries: Low Income Category

Afghanistan
Angola
Bangladesh
Benin
Bhutan
Burkina Faso
Burundi
Cabo Verde
Cameroon
Central African Republic
Chad
Comoros
Congo, Democratic Republic of the
Congo, Republic of the
Côte d'Ivoire
Djibouti
Egypt
Eswatini (formerly Swaziland)
Ethiopia
Gambia, The
Ghana
Guinea
Guinea-Bissau
Haiti
Honduras
India
Indonesia
Kenya
Kiribati
Kyrgyzstan
Laos
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Micronesia, Federated States of
Moldova
Morocco
Mozambique
Nepal
Niger
Nigeria
Pakistan
Papua New Guinea
Philippines
Rwanda
São Tomé and Principe
Senegal
Sierra Leone
Solomon Islands
Somalia
Sri Lanka
Tajikistan
Tanzania
Timor-Leste
Togo
Uganda
Ukraine
Uzbekistan
Vanuatu
Vietnam
Yemen
Zambia

Candidate Countries: Lower Middle Income Category

El Salvador
Georgia
Kosovo
Mongolia
Tunisia

Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for FY 2019 but are ineligible to receive United States economic assistance under part I of the Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 26, 2018.

Prohibited Countries: Low Income Category

Bolivia is ineligible to receive foreign assistance pursuant to section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228), regarding adherence to obligations under international counternarcotics agreements and other counternarcotics measures.

Burma is ineligible to receive U.S. economic assistance, absent special authority, because of concerns relative to its record on human rights.

Cambodia is ineligible to receive foreign assistance pursuant to section 7043(b)(1) of the FY 2018 Appropriations Act, which restricts assistance to the Government of Cambodia unless the Secretary of State certifies that the Government of Cambodia is taking effective steps to strengthen regional security and stability and respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia.

Eritrea is ineligible to receive foreign assistance, including due to its status as a Tier III country under the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

The central Government of Nicaragua is ineligible to receive foreign assistance pursuant to section 7070(c) of the FY 2018 Appropriations Act, which prohibits assistance for the central government of a country that the Secretary of State determines has recognized the independence of, or has established diplomatic relations with, the Russian occupied Georgian territories of Abkhazia and Tskhinvali Region/South Ossetia.

North Korea is ineligible to receive foreign assistance, including pursuant to section 7007 of the FY 2018 Appropriations Act, which prohibits direct assistance to the government of North Korea.

South Sudan is ineligible to receive foreign assistance, including pursuant to section 7042(h)(2) of the FY 2018 Appropriations Act, which prohibits, with limited exceptions, assistance to the central government of South Sudan until the Secretary of State certifies and reports to Congress that such government is taking effective steps to end hostilities and pursue good faith negotiations for a political settlement of the conflict; provide access for humanitarian organizations; end the recruitment and use of child soldiers; protect freedoms of expression, association, and assembly; reduce

corruption related to the extraction and sale of oil and gas; establish democratic institutions; establish accountable military and police forces under civilian authority; and investigate and prosecute individuals credibly alleged to have committed gross violations of human rights, including at the Terrain compound in Juba, South Sudan on July 11, 2016.

Sudan is ineligible to receive foreign assistance, including pursuant to section 7042(i) of the FY 2018 Appropriations Act, which prohibits (with limited exceptions) assistance to the government of Sudan.

Syria is ineligible to receive foreign assistance, including pursuant to section 7007 of the FY 2018 Appropriations Act, which prohibits direct assistance to the government of Syria.

Zimbabwe is ineligible to receive foreign assistance, including pursuant to section 7042(j)(2) of the FY 2018 Appropriations Act, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2019.

[FR Doc. 2018–19196 Filed 8–30–18; 4:15 pm]

BILLING CODE 9211–03–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request; NCUA Call Report and Profile

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following revision of a currently approved collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before November 5, 2018 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collection to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 5080, Alexandria, Virginia 22314; Fax No. 703–519–8579; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Address requests for additional information to the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0004.

Title: NCUA Call Report and Profile.

Forms: NCUA Form 5300 and 4501A.

Type of Review: Revision of a currently approved collection.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions to make financial reports to the NCUA. Section 741.6 prescribes the method in which federally insured credit unions must submit this information to NCUA. NCUA Form 5300, Call Report, is used to file quarterly financial and statistical data and NCUA Form 4501A, Credit Union Profile, is used to obtain non-financial data relevant to regulation and supervision such as the names of senior management and volunteer officials, and are reported through NCUA's online portal, Credit Unions Online.

The financial and statistical information is essential to NCUA in carrying out its responsibility for supervising federal credit unions. The information also enables NCUA to monitor all federally insured credit unions with National Credit Union Share Insurance Fund (NCUSIF) insured share accounts.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 5,530.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Responses: 22,120.

Estimated Burden Hours per Response: 6.

Estimated Total Annual Burden Hours: 132,720.

Reason for Change: Revisions are attributed to the issuance of accounting standards codifications (ASC) by the Financial Accounting Standards Board, revised data selections to the current products and services offered by credit unions, and the removal of other elements deemed no longer necessary to maintain proper credit union supervision; including several pages of Schedule D, Derivative Transactions Report.

These revisions will not alter the estimated burden hours necessary to review the instructions and complete the filing as the burden associated with Schedule D affects less than one percent of the credit unions and did not impact the industry average burden hours. The amount of data elements removed compared to those added negates the difference in burden.

The burden hours reflect an adjustment to the number of respondents due to the decline in the number of federally insured credit unions, which has averaged approximately one percent per quarter. Specifically, the number of federally insured credit unions completing the Call Report and Profile dropped from 5,954 to 5,530 (March 2018). The reduction of 10,176 burden hours reflects this adjustment.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on August 30, 2018.

Dated: August 30, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2018–19178 Filed 9–4–18; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Request: Proposed Research Project: The Social Well-Being Impact (SWI) of Libraries and Museums Study

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments on this collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to 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. By this notice, IMLS is soliciting comments concerning a plan to conduct a research study entitled ''The Social Well-being Impact (SWI) of Libraries and Museums Study''. The study will be designed to demonstrate the impact of libraries and museums on community well-being. This builds upon prior work synthesized in the 2016 IMLS ''Strengthening Networks, Sparking Change'' report.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 1, 2018.

IMLS is particularly interested in comments that help the agency to:

- 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 submissions of responses.

ADDRESSES: Send comments to: Dr. Sandra Webb, Director, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

FOR FURTHER INFORMATION CONTACT: Dr. Marvin Carr, Senior Advisor, Office of the Director, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Carr can be reached by Telephone: 202–653–4752 Fax: 202–653–4608, or by email at *mcarr@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

II. Current Actions

The Institute of Museum and Library Services (IMLS) is proposing a research project that looks beyond economic impact to the community relationships that are generated by museums and libraries and how the impact of those organizations affects a community's well-being. Since 2016, IMLS has engaged in a project entitled ''Community Catalyst'' which has shown that libraries and museums use community activities and strategic partnerships to address community concerns along a social well-being spectrum. Stakeholders from the library and museum fields have expressed a need for a national study that looks beyond economic impact of their institutions to the impact on employment, health and welfare, environment, crime, civic engagement, etc. all parts of social well-being. Previous research has focused on the economic impact of a single library or a subset of museums. The research study will used publicly available data bases at the county level to develop a sampling plan for in-depth targeted case studies of the relationship between the presence of museums and libraries and the indices of the social well-being indicators.

Agency: Institute of Museum and Library Services.

Title: Proposed Research Project: The Social Well-being Impact (SWI) of Libraries and Museums Study.

OMB Number: 3137–TBD.

Frequency: Once.

Affected Public: Community stakeholders at the county level, museum and library staff, local government officials.

Number of Respondents: # of sites 10–20.

Estimated Average Burden per Response: TBD.

Estimated Total Annual Burden: TBD.

Total Annualized capital/startup costs: n/a.

Total Annual costs: TBD.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: August 29, 2018.

Kim Miller,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2018–19141 Filed 9–4–18; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

30-Day Notice for the ''Agency Initiatives Poetry Out Loud or the Musical Theater Songwriting Challenge for High School Students''

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: Applications from students for Poetry Out Loud, the Musical Theater

Songwriting Challenge for High School Students, or other agency initiatives for youth. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov.*

DATES: Written comments must be submitted to the office listed in the address section below within 30 days from the date of this publication in the **Federal Register**.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: The Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

- 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
- Could help minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through *Grants.gov*.

Agency: National Endowment for the Arts.

Title: Applications from students for Poetry Out Loud, the Musical Theater Songwriting Challenge for High School Students, or other agency initiatives for youth.

OMB Number: 3135–0137.

Frequency: Annually.

Affected Public: Individuals.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 1 hour.

Total Burden Hours: 300.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

The National Endowment for the Arts requests the review of applications from students for Poetry Out Loud, the Musical Theater Songwriting Challenge for High School Students, or other agency initiatives for youth. This entry is issued by the National Endowment for the Arts and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

The Application Form, for which clearance is requested, is used to gather basic information from youth applying to Poetry Out Loud, the Musical Theater Songwriting Challenge for High School Students, or other agency initiatives for youth. Information is needed to verify eligibility for the program and to facilitate judging of the entries.

Dated: August 29, 2018.

Jillian LeHew Miller,

Director, Office of Guidelines and Panel Operations, National Endowment for the Arts.

[FR Doc. 2018–19140 Filed 9–4–18; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

Meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Planning and Procedures

The ACRS Subcommittee on Planning and Procedures will hold a meeting on September 6, 2018, 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, September 6, 2018—12:00 p.m. until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. The public bridgeline number for the meeting is 866–822–3032, passcode 8272423. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown at 301–415–6702 to be escorted to the meeting room.

Dated: August 29, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–19198 Filed 9–4–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of September 3, 10, 17, 24, October 1, 8, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 3, 2018

There are no meetings scheduled for the week of September 3, 2018.

Week of September 10, 2018—Tentative

Monday, September 10, 2018

10:00 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

Week of September 17, 2018—Tentative

There are no meetings scheduled for the week of September 17, 2018.

Week of September 24, 2018—Tentative

Thursday, September 27, 2018

10:00 a.m. Strategic Programmatic Overview of the Operating Reactors Business Line (Public), (Contact: Trent Wertz: 301–415–1568)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 1, 2018—Tentative

There are no meetings scheduled for the week of October 1, 2018.

Week of October 8, 2018—Tentative

Thursday, October 11, 2018

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Spent Fuel Storage and Transportation Business Lines (Public), (Contact: Matthew Meyer: 301–415–6198)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated: August 31, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–19368 Filed 8–31–18; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–215 and CP2018–297; MC2018–216 and CP2018–298]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 6, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–215 and CP2018–297; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 88 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 29, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 6, 2018.

2. *Docket No(s).:* MC2018–216 and CP2018–298; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & first-Class Package Service Contract 45 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* August 29, 2018; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* September 6, 2018.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–19221 Filed 9–4–18; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

TIME AND DATE: Thursday, September 13, 2018, at 1:00 p.m.

PLACE: Washington, DC

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Thursday, September 13, 2018, at 1:00 p.m.

1. Strategic Issues.
2. Financial Matters.
3. Executive Session—Discussion of prior agenda items and Temporary Emergency Committee governance.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Acting Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Acting Secretary.

[FR Doc. 2018–19371 Filed 8–31–18; 4:15 pm]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* September 5, 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 29, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 45 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–216, CP2018–298.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–19164 Filed 9–4–18; 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:* September 5, 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 29, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & First-Class Package Service Contract 88 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–215, CP2018–297.

Elizabeth Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–19163 Filed 9–4–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84002; File No. SR–CboeBZX–2018–065]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Cboe BZX Exchange, Inc.

August 30, 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 16, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule to institute a new fee for the distribution of data derived from BZX Top on third-party websites or other electronic platforms.

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 purpose of the proposed rule change is to introduce a new pricing model to keep pace with an evolving practice. Other exchanges have pricing programs in place that allow Distributors make ''Derived Data'' available on a website or other electronic platform that is branded by a third party, or co-branded by a Distributor and a third party.[5] The

[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 Nasdaq Stock Market LLC (''Nasdaq''), for example, operates a program whereby it charges Distributors that employ a hosted display solution

Continued

proposed rule change would implement a new pricing structure for use of Derived Data—*i.e.,* the BZX Derived Data White Label Service Program (the ''Program'')—that would compete with similar programs currently offered on other equities markets.

''Derived Data'' is pricing data or other data that (i) is created in whole or in part from Exchange Data, (ii) is not an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange Data or used to create other data that is a reasonable facsimile or substitute for Exchange Data. The type of Derived Data subject to the proposed fee is taken from BZX Top, which is a proprietary data product that provides top of book quotations and execution information for all equity securities traded on the Exchange.[6]

The Derived Data subject to the proposed fee is made available to subscribers within a White Label Service which is a type of hosted display solution in which a Distributor hosts or maintains a website or platform on behalf of a third-party entity. The service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third party and a Distributor. The Distributor maintains control of the application's data, entitlements and display.

The White Label Service may be used for a number of different purposes, to be determined by the Distributor. Possible uses include the display of information or data, or the creation of derivative instruments, such as swaps,[7] swaptions,[8] or contracts for difference.[9] The specific use of the data will be determined by the Distributor, as the proposed fee will not depend on the purpose for placing the Derived Data on a White Label Service.

As proposed, a Distributor that provides a White Label Service for Derived Data taken from BZX Top is liable for the following fees instead of the fees normally applicable for the distribution of BZX Top. First, instead of the regular fee for external distribution, Distributors would be charged a tiered External Subscriber Fee based on the number of White Label Service Platforms (*i.e.,* ''External Subscribers'') that receive Derived Data from the Distributor through a White Label Service. Specifically, Distributors would be charged a fee of: (1) $300 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $250 per month for each External Subscriber if the Distributor makes Derived Data available to 6–10 External Subscribers; and (3) $200 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. The External Subscriber Fee is non-progressive and, as mentioned above, is based on the number of External Subscribers that receive Derived Data from the Distributor. For example, a Distributor providing Derived Data based on BZX Top to six External Subscribers would be charged a monthly fee of $1,500 (*i.e.,* 6 External Subscribers × $250 each). Second, the Exchange would charge a monthly Professional User fee of $4 per month for each Professional User, which is equivalent to the current Professional User fee for external distribution of BZX Top. There would be no monthly Non-Professional User fee for accessing Derived Data through a White Label Service.

The Program is entirely optional, in that it applies only to Distributors that opt to use Derived Data from BZX Top to create a White Label Service, as described herein. It does not impact or raise the cost of any other Exchange product, nor does it affect the cost of BZX Top, except in instances where Derived Data is made available on a White Label Service. A Distributor that provides a White Label Service for BZX Top data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service would be liable for the fees normally applicable for the distribution of BZX Top.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[10] in general, and furthers the objectives of Section 6(b)(4),[11] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act[12] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[13] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[14]

to distribute Derived Data taken from its Nasdaq Basic product. *See* Securities Exchange Act Release No. 79228 (November 3, 2016), 81 FR 78890 (November 9, 2016) (SR–NASDAQ–2016–144).

[6] *See* Rule 11.22(d).

[7] A swap is a derivative contract in which two parties agree to exchange financial instruments.

[8] A swaption, or swap option, is an option to enter into a swap at a specified time.

[9] A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78k–1.

[13] *See* 17 CFR 242.603.

[14] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to

The Exchange believes that the introduction of a fee for the use of Derived Data on White Label Services is reasonable because: (i) All proprietary data fees are constrained by the Exchange's need to compete for order flow; and (ii) proprietary data fees are subject to market competition from substitute products. The proposed rule change would provide an alternate fee structure for providing BZX Top market data to Distributors that make Derived Data available to External Subscribers on White Label Services. The Exchange believes that this will encourage additional Distributors to subscribe to BZX Top market data due to the lower cost associated with Derived Data provided under the Program. Nasdaq already has a similar pricing structure in place for providing Derived Data through a hosted display solution.[15] The Exchange believes that Distributors of BZX Top market data would benefit from a similar solution. Furthermore, the proposed fees are lower than those currently in place on Nasdaq, which charges a fee of $400 per month for each hosted display solution under their program,[16] and may be further lowered for Distributors of BZX Top Derived Data based on the number of External Subscribers.

As proposed, if a Distributor uses a White Label Service to display Derived Data, the Distributor will be charged a fee that is tiered based on the number of External Subscribers that are provided access to that data instead of the higher fee normally charged for external distribution. The Exchange believes that this fee is equitable and not unfairly discriminatory because the Exchange will apply the same fees to all similarly situated Distributors based on the number of External Subscribers provided access to Derived Data through a White Label Service. Furthermore, the proposed fees will only apply to Distributors that elect to participate in the Program by distributing Derived Data through a White Label Service. BZX Top market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of BZX Top are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. Accordingly, Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition to the tiered distribution fee described above, the Exchange will continue to charge a small fee for Professional Users but would eliminate Non-Professional User fees for data provided under the Program. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for BZX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to the proposed program further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when subscribers can elect such alternatives. That is, the Exchange competes with other exchanges and their affiliates that provide similar market data products. If another exchange or its affiliate were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers likely would not subscribe to, or would cease subscribing to, the Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange's ability to price this data product is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

The proposed fees apply to data derived from BZX Top, which is subject to competition from the Nasdaq, NYSE, and other exchanges that offer similar products, including exchanges that provide similar pricing options for Derived Data made available on a White Label Service. In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all subscribers. The existence of alternatives to BZX Top, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to

NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's website at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[15] *See* supra note 5.

[16] *Id.*

purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and paragraph (f) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–065 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–065. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of this filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–065 and should be submitted on or before September 26, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19240 Filed 9–4–18; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–84000; File No. SR–CboeEDGX–2018–036]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Cboe EDGX Exchange, Inc.

August 30, 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 16, 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 fee schedule to institute a new fee for the distribution of data derived from EDGX Top on third-party websites or other electronic platforms.

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 purpose of the proposed rule change is to introduce a new pricing model to keep pace with an evolving practice. Other exchanges have pricing programs in place that allow Distributors make ''Derived Data'' available on a website or other electronic platform that is branded by a third party, or co-branded by a Distributor and a third party.[5] The proposed rule change would implement a new pricing structure for use of Derived Data—*i.e.,* the EDGX Derived Data White Label Service Program (the ''Program'')—that would compete with similar programs currently offered on other equities markets.

''Derived Data'' is pricing data or other data that (i) is created in whole or in part from Exchange Data, (ii) is not

[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 Nasdaq Stock Market LLC (''Nasdaq''), for example, operates a program whereby it charges Distributors that employ a hosted display solution to distribute Derived Data taken from its Nasdaq Basic product. *See* Securities Exchange Act Release No. 79228 (November 3, 2016), 81 FR 78890 (November 9, 2016) (SR–NASDAQ–2016–144).

an index or financial product, and (iii) cannot be readily reverse-engineered to recreate Exchange Data or used to create other data that is a reasonable facsimile or substitute for Exchange Data. The type of Derived Data subject to the proposed fee is taken from EDGX Top, which is a proprietary data product that provides top of book quotations and execution information for all equity securities traded on the Exchange.[6]

The Derived Data subject to the proposed fee is made available to subscribers within a White Label Service which is a type of hosted display solution in which a Distributor hosts or maintains a website or platform on behalf of a third-party entity. The service allows Distributors to make Derived Data available on a platform that is branded with a third-party brand, or co-branded with a third party and a Distributor. The Distributor maintains control of the application's data, entitlements and display.

The White Label Service may be used for a number of different purposes, to be determined by the Distributor. Possible uses include the display of information or data, or the creation of derivative instruments, such as swaps,[7] swaptions,[8] or contracts for difference.[9] The specific use of the data will be determined by the Distributor, as the proposed fee will not depend on the purpose for placing the Derived Data on a White Label Service.

As proposed, a Distributor that provides a White Label Service for Derived Data taken from EDGX Top is liable for the following fees instead of the fees normally applicable for the distribution of EDGX Top. First, instead of the regular fee for external distribution, Distributors would be charged a tiered External Subscriber Fee based on the number of White Label Service Platforms (*i.e.,* ''External Subscribers'') that receive Derived Data from the Distributor through a White Label Service. Specifically, Distributors would be charged a fee of: (1) $300 per month for each External Subscriber if the Distributor makes Derived Data available to 1–5 External Subscribers; (2) $250 per month for each External Subscriber if the Distributor makes Derived Data available to 6–10 External Subscribers; and (3) $200 per month for each External Subscriber if the Distributor makes Derived Data available to 11 or more External Subscribers. The External Subscriber Fee is non-progressive and, as mentioned above, is based on the number of External Subscribers that receive Derived Data from the Distributor. For example, a Distributor providing Derived Data based on EDGX Top to six External Subscribers would be charged a monthly fee of $1,500 (*i.e.,* 6 External Subscribers × $250 each). Second, the Exchange would charge a monthly Professional User fee of $4 per month for each Professional User, which is equivalent to the current Professional User fee for external distribution of EDGX Top. There would be no monthly Non-Professional User fee for accessing Derived Data through a White Label Service.

The Program is entirely optional, in that it applies only to Distributors that opt to use Derived Data from EDGX Top to create a White Label Service, as described herein. It does not impact or raise the cost of any other Exchange product, nor does it affect the cost of EDGX Top, except in instances where Derived Data is made available on a White Label Service. A Distributor that provides a White Label Service for EDGX Top data that is not Derived Data or distributes Derived Data through a platform other than a White Label Service would be liable for the fees normally applicable for the distribution of EDGX Top.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[10] in general, and furthers the objectives of Section 6(b)(4),[11] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act[12] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[13] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[14]

The Exchange believes that the introduction of a fee for the use of Derived Data on White Label Services is

[6] *See* Rule 13.8(c).

[7] A swap is a derivative contract in which two parties agree to exchange financial instruments.

[8] A swaption, or swap option, is an option to enter into a swap at a specified time.

[9] A contract for difference is an agreement to exchange the difference between the current value of an asset and its future value. If the price increases, the seller pays the buyer the amount of the increase. If the price decreases, the buyer pays the seller the amount of the decrease.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78k–1.

[13] *See* 17 CFR 242.603.

[14] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's website at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

reasonable because: (i) All proprietary data fees are constrained by the Exchange's need to compete for order flow; and (ii) proprietary data fees are subject to market competition from substitute products. The proposed rule change would provide an alternate fee structure for providing EDGX Top market data to Distributors that make Derived Data available to External Subscribers on White Label Services. The Exchange believes that this will encourage additional Distributors to subscribe to EDGX Top market data due to the lower cost associated with Derived Data provided under the Program. Nasdaq already has a similar pricing structure in place for providing Derived Data through a hosted display solution.[15] The Exchange believes that Distributors of EDGX Top market data would benefit from a similar solution. Furthermore, the proposed fees are lower than those currently in place on Nasdaq, which charges a fee of $400 per month for each hosted display solution under their program,[16] and may be further lowered for Distributors of EDGX Top Derived Data based on the number of External Subscribers.

As proposed, if a Distributor uses a White Label Service to display Derived Data, the Distributor will be charged a fee that is tiered based on the number of External Subscribers that are provided access to that data instead of the higher fee normally charged for external distribution. The Exchange believes that this fee is equitable and not unfairly discriminatory because the Exchange will apply the same fees to all similarly situated Distributors based on the number of External Subscribers provided access to Derived Data through a White Label Service. Furthermore, the proposed fees will only apply to Distributors that elect to participate in the Program by distributing Derived Data through a White Label Service. EDGX Top market data is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Distributors of EDGX Top are not required to participate in the proposed Program, which is merely an alternative option being proposed by the Exchange to potentially lower costs for market data that is Derived Data. Accordingly, Distributors can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition to the tiered distribution fee described above, the Exchange will continue to charge a small fee for Professional Users but would eliminate Non-Professional User fees for data provided under the Program. The Exchange believes that it is equitable and not unfairly discriminatory to charge a fee for Professional Users but no fee for Non-Professional Users. Non-Professional Users are already subject to a heavily discounted fee for EDGX Top market data relative to Professional Users. Differential fees for Professional and Non-Professional Users are widely used by the Exchange and other exchanges for their proprietary market data as this reduces costs for retail investors and makes market data more broadly available.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to the proposed program further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when subscribers can elect such alternatives. That is, the Exchange competes with other exchanges and their affiliates that provide similar market data products. If another exchange or its affiliate were to charge less for a similar product than the Exchange charges under the proposed fee structure, prospective subscribers likely would not subscribe to, or would cease subscribing to, the Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange's ability to price this data product is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

The proposed fees apply to data derived from EDGX Top, which is subject to competition from the Nasdaq, NYSE, and other exchanges that offer similar products, including exchanges that provide similar pricing options for Derived Data made available on a White Label Service. In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all subscribers. The existence of alternatives to EDGX Top, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

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.

[15] *See* supra note 5.

[16] *Id.*

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 [17] and paragraph (f) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2018–036 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2018–036. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of this filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2018–036 and should be submitted on or before September 26, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19238 Filed 9–4–18; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83983; File No. SR–LCH SA–2018–004]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Implementation of Electronic Exercise Platform

August 29, 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 24, 2018, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), is proposing to amend its (i) CDS Clearing Rule Book (''Rule Book''), (ii) CDS Clearing Supplement (''Supplement'') and (iii) CDS Clearing Procedures (''Procedures'') to incorporate new terms and to make conforming, clarifying and clean-up changes to implement a new electronic exercise platform (''EEP'') for the exercise of options by Clearing Members and their Clients. The text of the proposed rule change has been annexed as Exhibit 5.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

LCH SA is proposing to create an EEP for credit index options or swaptions to capture and support swaption exercise decisions by Clearing Members and Clients. Currently, the exercise of swaptions is effected through a manual bilateral notification process. The swaption exercise decisions are communicated bilaterally via email from the swaption buyer to the swaption seller of a matched pair transaction created by LCH SA for the purpose of the exercise or abandonment of the swaption transaction. The swaption buyer must then inform LCH SA that the exercise notice has been successfully delivered. LCH SA then manually effects the exercise decisions accordingly and updates its risk system.

The proposed EEP will provide Clearing Members and their Clients with an electronic process that will reduce the operational risk caused by manual exercise and provide an effective system to monitor and manage the exercise of swaptions. The proposed rule change will require Clearing Members and Clients to use the EEP system to initiate the exercise of swaptions and will enable Clients to directly exercise swaptions through delegation by Clearing Members and receive reports. The EEP system will capture the exercise decisions in real time and notify the relevant swaptions sellers in real time. In addition, the EEP system will provide validation checks and exercise decision-making assistance and support, and will facilitate and support an anonymous exercise decision process

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All capitalized terms not defined herein have the same definition as the Rule Book, Supplement or Procedures, as applicable.

that the current manual process is not able to achieve.

In connection with the launch of the EEP, LCH SA proposes to modify its Rule Book, Supplement and Procedures to implement the EEP and manage the operational risk arising from the EEP while improving the clarity of the Rulebook, Supplement and Procedures.

(i) CDS Clearing Rule Book

The Rule Book will be amended by adding new defined terms and provisions to account for the ability of Clients to directly exercise swaptions utilizing the EEP through delegation by Clearing Members. The details of the mechanism for Clients to exercise swaptions via delegation by Clearing Members will be implemented through amendments to the Supplement and Procedures as described below. With respect to the Rule Book, LCH SA proposes to amend Article 1.2.10.3 with respect to the liability of LCH SA to account for the ability of Clients to exercise swaptions utilizing the EEP as an Exercise Delegation Beneficiary. Article 1.2.10.3 will be amended to add new clause (xxii) to the effect that LCH SA will not be liable for any Damage claimed by a clearing Member based on the failure of an Exercise Delegation Beneficiary to perform its obligations in relation to a delegation by a Clearing Member of the power to Exercise or Abandon Exercise Cleared Transactions or in connection with or arising from the Exercise or Abandonment (or attempt thereof) of an Exercise Cleared Transaction by such exercise Delegation Beneficiary. In addition, new clause (xxiii) will be added to Article 1.2.10.3 to provide that LCH SA will not be liable for any improper use or disclosure by a third party, including a Client, of information made available on a Client Portal Account further to a defined process of requesting LCH SA to make certain information available on the Client Portal Account in accordance with the Procedures (such process is referred to as ''Feeding Request'' in the Procedures).

Further, LCH SA proposes to add new provisions to Title V CDS CCM Client Clearing Services and Title VI CDS FCM Client Clearing to provide for exercise of swaptions by Clients. Article 5.1.1.2(vii) and Article 6.1.1.2(vii) will be added to require a CCM or an FCM to ensure that a CCM Client or FCM Client, as applicable, has duly created a Client Portal Account before granting an Exercise Delegation to such CCM Client or FCM Client. Article 5.1.1.3(xx) and 6.1.1.3(xvii) will be added to require a CCM or an FCM to delegate sufficient powers to a CCM Client or a FCM Client, as applicable, in order for the CCM Client or FCM Client, as applicable, to be duly authorized to Exercise or Abandon Exercise Cleared Transactions; in addition, a CCM Client or a FCM Client, as applicable, delegated and designated by a Clearing Member as being entitled to Exercise and Abandon Exercise Cleared Transactions on its behalf is required to Exercise or Abandon only through the relevant Client Portal Account unless there is an EEP Failure Event (as described below).

In connection with the above, LCH SA also proposes to add new provisions to Title I General Provisions & Legal Framework of the Rule Book. First, new defined terms ''Abandon'', ''Abandonment'', ''Client Portal Account'', ''Delegating Clearing Member'', ''Exercise Delegation'', ''Exercise Delegation Beneficiary'', and ''Feeding Request'' will be added and cross-reference the meanings given to these terms in Part C of the Supplement or Section 5 of the Procedures, as applicable.

The amendments to the CDS Clearing Rule Book also contain typographical corrections and similar technical corrections and clarifications as well as various conforming references to the new or revised defined terms. Finally, corresponding changes to provision numbering throughout the CDS Clearing Rule Book have been made as necessary.

(ii) CDS Clearing Supplement

LCH SA also proposes to modify the Supplement to incorporate terms for implementing the new EEP, to remove inapplicable provisions after implementation of the EEP, and to make certain conforming and clean-up changes to improve clarity of the Supplement.

Section 1 General Provisions of the Supplement will be amended to add certain defined terms and new provisions to implement the EEP and to make certain clean-up changes. Section 1.2 will be amended by adding the following new defined terms.

The terms ''Abandon'' and ''Abandonment'' will be added to refer to the abandonment of an Exercise Cleared Transaction and the delivery of a valid Abandonment Notice by a Swaption Buyer (including delivery by a Client designated by the related Clearing Member as being entitled to Exercise and Abandon Exercise Cleared Transactions on its behalf) in respect of the Exercise Cleared Transactions of an Exercise Matched Pair.

The term ''CCM Client Communications Failure Event'' will be added to cross reference the definition of CCM Client Communications Failure Event set out in the Mandatory Provisions in Appendix VIII to the Supplement.

The term ''Clearing Member Communications Failure Event'' will be added to cross reference the definition of Clearing Member Communications Failure Event set out at Section 6.10 of the Supplement.

The existing term ''Clearing Member Notice'' will be amended to include a Swaption Clearing Member Notice or a Swaption Restructuring Clearing Member Notice.

The term ''Clearing Member Portal Account'' will be added to refer to the account of a Clearing Member established in the LCH Portal for the purposes of, among other things, the Exercise and Abandon of Exercise Cleared Transactions.

The term ''Client Portal Account'' and ''Client Portal Account Number'' will be added to refer to the account of a Client established in the LCH Portal for the purposes of, among other things, the Exercise and Abandonment of Exercise Cleared Transactions, and to refer to the unique account number assigned by LCH SA to a Client Portal Account.

The term ''EEP Controls'' will be added to cross reference the definition of EEP Controls set out at Section 6.3 of the Supplement.

The terms ''EEP Failure Event'', ''EEP Failure Event Time'' and ''EEP Resolution Time'' and ''Electronic Exercise Platform'' or ''EEP'' will be added to refer to the occurrence of LCH SA becoming aware that the EEP is or will be unavailable for the submission or receipt of Option Intents, the time at which the relevant EEP Failure Event occurred, the time at which the relevant EEP Failure Event is deemed to have been resolved, and the platform made available by LCH SA for the Exercise and Abandon of Exercise Cleared Transaction through the submission of Option Intents.

The term ''Exercise'' will be amended by making conforming changes to include deemed delivery of a valid Exercise Notice pursuant to new Section 6.3 (Exercise and Abandonment by way of EEP) or new Section 6.4 (Delegation by Clearing Members to Client).

The term ''Exercise Cleared Transaction'' and ''Swaption Restructuring Cleared Transaction'' will be amended by making a clean-up change to replace the word ''Clause'' with the word ''Section''.

The term ''Exercise Delegation Beneficiary'' will be added to refer to the Client of a Clearing Member designated by such Clearing Member as being entitled to Exercise and Abandon

Exercise Cleared Transactions on such Clearing Member's behalf.

The term ''Force Submission'' will be added to cross reference the definition of Force Submission set out at Section 5.19.2 of the Procedures.

The term ''LCH Portal'' will be added to cross reference the definition of LCH Portal set out at Section 5.3 of the Procedures.

The term ''Option Intent'' will be added to refer to the election of Matched Buyer (or its Exercise Delegation Beneficiary as applicable) in the EEP to Exercise or Abandon an Exercise Cleared Transaction.

The term ''Protected Exercise Matched Pair Report'' will be added to cross reference the definition of Protected Exercise Matched Pair Report set out at Section 6.1 of the Supplement.

The term ''Submission Time'' will be added to cross reference the definition of Submission Time set out at Section 6.3 of the Supplement.

The terms ''Swaption CCM Client Notice'' and ''Swaption CCM Client Notice Deadline'' will be added to cross reference the notice and the deadline described in Mandatory Provision Section 5.5 regarding the duty to deliver a Swaption CCM Client Notice by the Swaption CCM Client Notice Deadline.

The terms ''Swaption Clearing Member Notice'' and ''Swaption Clearing Member Notice Deadline'' will be added to cross reference the notice and the deadline described in new Section 6.5(c) as a consequence of an EEP Failure Event.

The term ''Swaption Notice'' will be added to refer to either an Exercise Notice or an Abandonment Notice.

The terms ''Swaption Restructuring Clearing Member Notice'' and ''Swaption Restructuring Clearing member Notice Deadline'' will be added to cross reference the notice required to be delivered by a Clearing Member to LCH SA with respect to its delivery or receipt of any Credit Event Notice or Notice to Exercise Movement Option and the deadline described in new Section 5.7.

Finally, a new paragraph (c) will be added to Section 1.7 to provide that, notwithstanding an FCM Clearing Member acting as agent for the account of an FCM Client with respect to Index Swaption Cleared Transactions, an FCM Clearing member shall designate its FCM Client to Exercise or Abandon Exercise Cleared Transactions on its behalf as its Exercise Delegation Beneficiary in accordance with the terms of the Supplement.

Section 5 Restructuring will be amended to add new provisions to implement the EEP and to make certain clean-up and conforming changes that are not related to the implementation of EEP. Specifically, Section 5.1 will be amended to provide that if a CEN Triggering Period for a Subsequent Restructuring commences prior to the Expiration Date, any Swaption Restructuring Matched Pairs in respect of the First Restructuring shall also be Swaption Restructuring Matched Pairs in respect of the Subsequent Restructuring in order to better clarify this concept. Section 5.1(a) will be amended to add the word ''contact'' to clarify the term email address.

New Section 5.6 will be added to reinstate certain provisions that will be deleted from Section 8 of the Supplement that provide for the requirements of delivery of Credit Event Notices and Notices to Exercise Movement Option with respect to Restructuring Cleared Transactions in order to group provisions relating to restructuring that are unrelated to the implementation of EEP within the same section. Specifically, Section 5.6 reinstates that Credit Event Notices and Notices to Exercise Movement Option shall be delivered between Matched Buyer and Matched Seller of a Swaption Restructuring Matched Pair in accordance with the general rules relating to notices in the Supplement and the terms of the Swaption Restructuring Cleared Transaction. Such notices will be delivered in the delivering party's own name and as designee of LCH SA in respect of the other Swaption restructuring Cleared Transaction of the Swaption Restructuring Matched Pair.

New Section 5.7 will be added to reinstate certain provisions that will be deleted from Section 8 of the Supplement so that provisions regarding delivery and receipt of Swaption Restructuring Clearing Member Notices are addressed in the section governing restructuring. The moved provisions require each Clearing Member to notify LCH SA or provide a copy to LCH SA of any notices delivered or received by such Clearing Member consisting of a Swaption Restructuring Matched Pair, including any Credit Event Notices and Notices to Exercise Movement Option by no later than 5 p.m. on the last date on which such notice could validly be delivered. Such notices and deadline will be defined as ''Swaption Restructuring Clearing Member Notice'' and ''Swaption Restructuring Clearing Member Notice Deadline''. If LCH SA does not receive a Swaption Restructuring Clearing Member Notice on or prior to the relevant Swaption Restructuring Clearing Member Notice Deadline, LCH SA will not take any action in respect of the relevant Swaption Restructuring Matched Pair in respect of a Credit Event or Exercise Movement Option. Notwithstanding the fact that no Credit Event Notice or Notice to Exercise Movement Option has been received by LCH SA by the relevant Swaption Restructuring Clearing Member Notice Deadline, if LCH SA determines in its sole discretion that, such notice was in fact delivered or received directly by a Clearing Member and would have been effective, LCH SA shall use commercially reasonable efforts to give effect to the terms of such Credit Event Notice or Notice to Exercise Movement Option, as applicable. If LCH SA determines that it is not possible to give effect to the terms of any such Credit Event Notice or Notice to Exercise Movement Option, then Section 5.7 provides an amount payable between the Clearing Members and how such amount will be determined.

Section 6 Exercise Matched Pairs will be amended to add new provisions to implement the EEP and to make certain clean-up and conforming changes. Specifically, Section 6.1 will be amended to remove the requirement of LCH SA to notify the relevant Matched Buyer and Matched Seller comprised within each Exercise Matched Pair of the identity of each other; instead, the identity and the contact information of the Clearing Members within an Exercise Matched Pair will be provided by LCH SA to the relevant Matched Buyer and Matched Seller (and any Exercise Delegation Beneficiary thereof) in a report (defined as ''Protected Exercise Matched Pair Report''), the access to which will be restricted and the Clearing Members within an Exercise Matched Pair (and any applicable Exercise Delegation Beneficiaries) would be given access to the information in the report only upon occurrence of an EEP Failure Event. Section 6.2 will be amended by making conforming changes to delete the language regarding notification of relevant Clearing Members of Exercise Matched Pairs to account for the new process effected by EEP.

New Section 6.3 entitled Exercise and Abandonment by way of EEP will be added to provide for the manner of Exercise or Abandonment of Exercise Cleared Transactions. Specifically, Section 6.3 will provide that an Option Intent submitted by Matched Buyer (or its Exercise Delegation Beneficiary on its behalf, as applicable) through the EEP will constitute the delivery of a valid Exercise Notice or Abandonment Notice for the purposes of the Exercise Cleared Transactions if (a) the

Submission Time for such Option Intent is prior to 4:00 p.m. (London time) and (b) LCH SA has completed those steps necessary to make such Option Intent available for viewing in the EEP, including validation of the EEP Controls. ''Submission Time'' for an Option Intent will be the time, as recorded by LCH SA, as of which such Option Intent is submitted via the EEP by the relevant matched Buyer (or its Exercise Delegation Beneficiary on its behalf, if applicable) and ''EEP Controls'' will mean the controls specified in Section 5 of the Procedures with respect to the Option Intent. An Option Intent will become irrevocable by the Swaption Buyer as from the Submission Time.

New Section 6.4 entitled Delegation by Clearing Members to Clients will be added to provide for delegation of Exercise or Abandonment by Clearing Members to their Clients. Specifically, Section 6.4 will provide that, with respect to the Exercise and Abandonment of the Exercise Cleared Transactions of an Exercise Matched Pair which are Client Cleared Transactions, Clearing Members shall designate its relevant Client to act on its behalf and such designation will take effect as soon as reasonably practicable (but no later than five Business Days) following receipt by LCH SA of a duly completed and signed Exercise Delegation Form. The Client so designated will be the Exercise Delegation Beneficiary. The designation or delegation cannot be revoked. Where a Clearing Member designates its Client in accordance with new Section 6.4, any Option Intent submitted by the designated Client via its Client Portal Account in the EEP prior to 4:00 p.m. (London Time) on the Expiration Date will be deemed to constitute the delivery by Matched Buyer of a valid Exercise Notice or Abandonment Notice. Similarly, any Swaption Notices delivered by a designated Client will be interpreted as delivery by a Clearing Member.

New Section 6.5 entitled EEP failure and resolution will be added to address the circumstances where there is an EEP failure and subsequent resolution of such failure. Specifically, Section 6.5 will require LCH SA to notify Clearing Members and Exercise Delegation Beneficiaries of an EEP Failure Event (*i.e.,* the EEP is or will be unavailable for the submission or receipt of Option Intents) as soon as reasonably practicable and in any case within one hour after the occurrence of the EEP Failure Event. Following the occurrence of an EEP Failure Event, Clearing Members or their Exercise Delegation Beneficiaries, as applicable, will be authorized to access the information contained in the Protected Exercise Matched Pair Report in order to obtain the identity and contact information of the other Clearing Member or its Exercise Delegation Beneficiary within an Exercise Matched Pair. If the EEP Failure Event has been resolved and is no longer in effect, LCH SA is required to notify Clearing Members of such resolution and the time at which the EEP Failure Event is deemed to have been resolved (the ''EEP Resolution Time''), so submission of Option Intents may resume on the EEP.

Section 6.5 will further provide that, if an EEP Failure Event has occurred and is continuing, delivery of Swaption Notices will fall back to the existing manual delivery process and if a Clearing Member that is a Matched Buyer has designated its Client as its Exercise Delegation Beneficiary, the Client will be entitled to send a Swaption Notice to the Matched Seller, using the notices details provided by LCH SA in the Protected Exercise Matched Pair Report. Similarly, if a Clearing Member that is a Matched Seller has designated its Client as its Exercise Delegation Beneficiary, then Swaption Notices will be sent by the Matched Buyer (or its Client as its Exercise Delegation Beneficiary, as applicable) to the Client of the Clearing Member who is the Matched Seller.

In addition, Section 6.5 will provide for oral, including telephonic, delivery of Abandonment Notices, followed by written confirmation from the Matched Buyer (or its Exercise Delegation Beneficiary, as applicable) to the Matched Seller (or its Exercise Delegation Beneficiary, as applicable) within one Transaction Business Day. For the avoidance of doubt, Section 6.5 will clarify that, any Swaption Notices delivered via the EEP prior the EEP Failure Event Time will be valid and not be affected by the EEP Failure Event; and any Swaption Notice delivered or purported to be delivered via the EEP at or following the EEP Failure Event Time but prior to the EEP Resolution Time will not be valid or effective.

Finally, Section 6.5 will provide that, as the case in today's manual exercise process, each Clearing Member is required to notify LCH SA or deliver a copy to LCH SA of any Swaption Notices delivered by such Clearing Member to another Clearing Member in an Exercise Matched Pair during an EEP Failure Event by no later than 5 p.m. (CET) on the Expiration Date. Such notice of delivery of such copy to LCH SA will be defined as a Swaption Clearing Member Notice. If a Clearing Member has designated its Client as its Exercise Delegation Beneficiary, then the Client may notify LCH SA or deliver a copy to LCH SA of any Swaption Notices delivered by such Client to another Clearing Member (or its Exercise Delegation Beneficiary, as applicable) in an Exercise Matched Pair while an EEP Failure Event is continuing.

New Section 6.6 entitled Abandonment of Exercise Cleared Transactions will be added to address Abandonment of Exercise Cleared Transactions. It will restate the first part of the existing Section 6.4 of the Supplement with certain adjustment to reflect that Abandonment of Exercise Cleared Transaction will not be done on the EEP and the Swaption Buyer will not deliver Abandonment Notices bilaterally to the Swaption Seller. If, on the Expiration Date, the Swaption Buyer elects to abandon the Exercise Cleared Transactions of the Exercise matched Pair, each Exercise Cleared Transaction shall be terminated in whole.

New Section 6.7 entitled Termination of Exercise Cleared Transactions will be added to address the circumstances under which Exercise Cleared Transactions will be terminated taking into account implementation of the EEP. Specifically, it will provide that LCH SA will terminate the Exercise Cleared Transactions of the relevant Exercised Matched Pair if no Option Intent is submitted using the EEP or, if there is an EEP Failure Event, LCH SA does not receive a Swaption Clearing Member Notice (or Swaption CCM Client Notice) from a Clearing Member or its Exercise Delegation Beneficiary on or prior to the deadline specified in Section 6.5 described above.

New Section 6.8 entitled Consequences of no Swaption Clearing Member Notice or Swaption CCM Client Notice being received by LCH SA will be added to address the consequences of no Swaption Clearing Member Notice being received by LCH SA by the Swaption Clearing Member Notice Deadline (or, in the case of a CCM Client Cleared Transaction, that no Swaption CCM Client Notice has been received by LCH SA in respect of an Exercise Notice by the Swaption CCM Client Notice Deadline). If there is an EEP Failure Event and such event is continuing, if LCH SA determines in its sole discretion that an Exercise Notice was in fact delivered by a Clearing Member (or its Client as the Exercise Delegation Beneficiary, as applicable) and would have been effective for the purposes of the Supplement, then LCH SA will use commercially reasonable efforts to give effect to the terms of the Exercise Notice

and the effect would be as though LCH SA had received a Swaption Clearing Member Notice by the Swaption Clearing Member Notice Deadline (or, in the case of a CCM Client Cleared Transaction, as though a Swaption CCM Client Notice has been received by LCH SA in respect of an Exercise Notice by the Swaption CCM Client Notice Deadline). If LCH SA determines that it is not possible to give effect to the terms of any such Exercise Notice, then the relevant Clearing Members (or their Exercise Delegation Beneficiaries, as applicable) will have rights against each other for settlement payment due two Transaction Business Days following the delivery of a notice that such amount is due and payable, as though they were a party to a bilateral credit default swap transaction on the terms of the relevant Underlying Index Transaction. LCH SA will not have any liability for any payment in respect of the Exercise Clearing Transactions or the ensuing bilateral credit default swap transaction.

New Section 6.10 entitled Clearing Member Communications Failure Event and CCM Client Communications Failure Event will be added to address Clearing Member and CCM Client communications failures. Specifically, new Section 6.10 will provide that, if a Clearing member or its Exercise Delegation Beneficiary experiences significant communications or information technology failure resulting in it being impossible or impracticable to use EEP (a ''Clearing Member Communications Failure Event''), such Clearing Member or its Exercise Delegation Beneficiary shall use the existing manual exercise process to delivery or receive any Exercise Notice or Abandonment Notice to and from LCH SA in accordance with the general provision regarding delivery of notices in Section 8 of the Supplement and not through the EEP. Similarly, if a CCM Client experiences a significant communications or information technology failure resulting in it being impossible or impracticable to use EEP (a ''CCM Client Communications Failure Event''), such CCM Client will, under Mandatory Provision 5.7, have the right to use the existing manual exercise process to deliver or receive any Exercise Notice or Abandonment Notice to and from LCH SA in accordance with the general provision regarding delivery of notices in Section 8 of the Supplement and not through the EEP.

If the Clearing Member (or Exercise Delegation Beneficiary, as applicable) affected by a Clearing Member Communications Failure Event is a Matched Buyer, upon receipt of a Swaption Notice delivered by such Clearing Member or its Exercise Delegation Beneficiary, as applicable, LCH SA shall submit an Option Intent in the EEP system on behalf of such Clearing Member or its Exercise Delegation Beneficiary. Provided that (a) the Submission Time for such Option Intent is prior to 4:00 p.m. (London time) and (b) LCH SA has completed those steps necessary to make such Option Intent available for viewing in the EEP, including validation of the EEP Controls, then such Option Intent shall be deemed to constitute the delivery of a valid Exercise Notice or Abandonment Notice. With respect to a Swaption Notice delivered pursuant to the preceding paragraph (or, in the case of a CCM Client Cleared Transaction pursuant to Mandatory Provision 5.7), LCH SA may determine in its sole discretion that it is not able to submit the relevant Option Intent in the system prior to the exercise deadline, in which case the affected Clearing Member or Exercise Delegation Beneficiary will be deemed not to have submitted an Option Intent and the relevant Exercise Cleared Transactions will be terminated. LCH SA may, in its sole discretion, elect to register the Exercise or Abandonment of an Exercise Cleared Transaction in an alternative internal system of LCH SA. If the Clearing Member (or Exercise Delegation Beneficiary, as applicable) affected by a Clearing Member Communications Failure Event or CCM Client Communications Failure Event is a Matched Seller, so long as such Clearing Member or Exercise Delegation Beneficiary notified LCH SA of occurrence of a Clearing Member Communications Failure Event or a CCM Client Communications Failure Event, then any Swaption Notices shall be delivered by LCH SA to such Clearing Member or Exercise Delegation Beneficiary (or, in respect of a CCM Client Cleared Transaction a Swaption Notice delivered by a CCM Client in accordance with Mandatory Provision 5.7), as soon as reasonably practicable in accordance with the general notice provision in Section 8 of the Supplement.

New Section 6.10 will further require a Clearing Member or Exercise Delegation Beneficiary affected by a Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event) to notify LCH SA of the occurrence of such event in the form set out in the Appendix of the Supplement and LCH SA will notify all Clearing Members and Exercise Delegation Beneficiaries accordingly. Similarly, a Clearing Member affected by a Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event) will be required to notify LCH SA as soon as reasonably practicable upon its ceasing to be subject to the Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event). After the notice of ceasing to be subject to a Clearing Member Communications Failure Event (or with respect to a CCM Client, a CCM Client Communications Failure Event), the requirement to effect Exercise or Abandonment through EEP will resume and apply and any Swaption Notice delivered or purported to be delivered thereafter by such Clearing Member or its Exercise Delegation Beneficiary (or CCM Client, as applicable) not via the EEP will not be valid or effective.

Finally, new Section 6.10(e) will require a Clearing Member subject to a Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event in accordance with Mandatory Provision 5.7) to use reasonable efforts to mitigate the operational impact on other Clearing Members and LCH SA of any Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event) and to cure such Clearing Member Communications Failure Event (or, in respect of a CCM Client as Exercise Delegation Beneficiary, a CCM Client Communications Failure Event) as soon as reasonably practicable and ensure that the circumstances giving rise to the relevant Clearing Member Communications Failure Event do not recur.

Section 7 Settlement will be amended to make certain clean-up and conforming changes in order to ensure consistency. Specifically, Section 7.2 will be amended to change the term ''Auction Settlement Date'' to ''Auction Final Price Determination Date'' in order to correct an inaccurate reference in the current version of the Supplement. The Auction Final Price Determination Date refers to the date on which the Auction is held to determine the Auction Final Price used to compute the Auction Settlement in respect of an Initial Single Name Cleared Transaction and is defined in the 2014 ISDA Credit Derivatives Definitions, which are incorporated by reference pursuant to

Section 1.1 of the Supplement. Since Section 7.2 is designed to provide for creation of an Initial Single Named Cleared Transactions for settlement purposes in respect of a Credit Event other than an M(M)R Restructuring in circumstances where the ISDA would have held the Auction to determine the Auction Final Price prior to the Expiration Date, therefore the initial reference to ''Auction Settlement Date'' should have been ''Auction Final Price Determination Date''. Additionally, Section 7.2(b)(ii) will be amended to state that the Auction Settlement Date in respect of an Initial Single Name Cleared Transaction shall be the later of (a) the Auction Settlement Date that would be determined in accordance with Section 6.3 of the 2014 ISDA Credit Derivatives Definitions and (b) the first Transaction Business Day following the Expiration Date. Additionally, Section 7.3(b)(ii) will be amended to clarify that a valid Credit Event Notice must be delivered or deemed to be delivered in respect of a Restructuring Cleared Transaction for subsections (x) and (y) of Section 7.3(b)(ii) to apply. Finally, changes will be made in Sections 7.3 and 7.4(a) to correct typographical errors without affecting the meanings of Sections 7.3 and 7.4.

Section 8 Delivery of Notices will be amended to add new provisions to implement the EEP, to remove inapplicable provisions, and to make certain clean-up and conforming changes. Specifically, Section 8.1(a) will be amended to conform to other new provisions added to Section 6 to account for the implementation of EEP, specifically, to specify the time at which a communication in respect of any Cleared Transaction will be recorded and deemed effective in EEP. Section 8.1(b) will be amended to implement certain conforming changes regarding notices from or to LCH SA in EEP including with respect to the occurrence of an EEP Failure Event. Section 8.1(c) will be amended to account for electronic notification through EEP between Clearing Members or their respective Exercise Delegation Beneficiaries.

Further, certain subsections of Section 8 will be deleted, amended and/or renumbered. The existing Section 8.2, Oral Notices, will be moved and renumbered as a new Section 8.3 and the existing Section 8.3, Delivery of Exercise Notices, Abandonment Notices, Credit Event Notices and Notices to Exercise Movement Options, and the existing Section 8.4, Clearing Member Notices, will each be removed as these sections will no longer be applicable after the implementation of EEP. The existing Section 8.5 will be renumbered as a new Section 8.2 and certain conforming changes will be made in this Section to account for the delivery of the Protected Exercise Matched Pair Report and to describe the procedure with respect to a failure to notify Matched Pairs based on the occurrence of an EEP Failure Event. If LCH SA does not notify the relevant Clearing Members of Swaption Restructuring Matched Pairs and related information by the SRMP Notification Deadline or provide the Protected Exercise Matched Pair Report by the EMP Notification Deadline as a result of the occurrence of an EEP Failure, then the relevant Clearing Members or Exercise Delegation Beneficiary may deliver Swaption Notices to LCH SA and *vice versa.* The existing Section 8.6 will be renumbered as a new Section 8.4 and certain section references will be updated.

Section 9, Matched Pair Designations, will be amended to update certain section references based on changes made to other sections of the Supplement. Specifically, in Section 9.1(e)(i) and (ii), the references to Section 8.1 will be updated to Section 9.1 and the reference to Section 7.7(a) in Section 9.6 will be updated to reference Section 5.7(a) and Section 6.5(c). Additionally, Sections 9.1(c) and (d) will be deleted to remove the requirement that, to the extent possible, each Swaption Restructuring Matched Pair and each Exercise Matched Pair will have an aggregate applicable Matched Pair amount which is an integral multiple of Euro 1,000,000 subject to a maximum of Euro 100,000,000. This change, which is unrelated to the implementation of EEP, is made to reflect that this condition with respect to the aggregate applicable Matched Pair amount is no longer required by LCH SA.

Section 10, Mandatory Provisions for CCM Client Transactions, will be amended to replace the reference to Appendix VI with a reference to Appendix VIII based on changes to the numbering of the appendices to the Supplement.

Section 12, Forms of Notices, will be amended to replace the reference to Section 7.11 with a reference to Section 8.4.

Section 13 Exclusion of Liability will be amended to add a new Section 13(b) which will provide that LCH SA will have no liability to a Clearing Member which has delegated to an Exercise Delegation Beneficiary its power to Exercise or Abandon Exercise Cleared Transactions for any loss, cost or expense arising out of any failure of such Exercise Delegation beneficiary to perform its obligations in relation with such delegation or in connection with or arising from the Exercise or Abandonment of an Exercise Cleared Transaction by the Exercise Delegation Beneficiary of the Clearing Member. Additionally, Section 13(d) will be amended to provide that LCH SA will have no responsibility to verify the contents of any notice received by it from any Clearing Member or from an Exercise Delegation Beneficiary of a Clearing Member under the terms of any Cleared Transaction.

Appendix V: Form of Notice of Dispute Relating to Any Swaption Restructuring/Exercise Matched Pair will be amended to update each current reference to Section 7.11 to Section 8.4.

A new Appendix VI: Form of Notice of Clearing Member Communications Failure Event Pursuant to Section 6.10 (Clearing Member Communications Failure Event) or CCM Client Communications Failure Event Pursuant to Mandatory Provision 5.7 (CCM Client Communications Failure Event) will be added after existing Appendix V which will serve as the form to be used by a Clearing Member to notify LCH SA of a Clearing Member Communications Failure Event if required by Section 6.10 of the Supplement or a CCM Client to notify LCH SA of a CCM Client Communications Failure Event in accordance with Mandatory Provision 5.7(b).

A new Appendix VII: Form of Notice for Ceasing to be Subject to a Clearing Member Communications Failure Event Pursuant to Section 6.10 (Clearing Member Communications Failure Event) or CCM Client Communications Failure Event Pursuant to Mandatory Provision 5.7 (CCM Client Communications Failure Event) will be added after the new Appendix VI described in the preceding paragraph which will serve as the form to be used by a Clearing Member to notify LCH SA that such Clearing Member is no longer subject to a Clearing Member Communications Failure Event or for a CCM Client to notify LCH SA that such CCM Client is no longer subject to a CCM Client Communications Failure Event.

The current Appendix VI: CCM Client Transaction Requirements will be renumbered to create a new Appendix VIII. Certain section references within such new Appendix VIII will be updated to conform with changes to the body of the Supplement and correct certain section references. Additionally, a new Section 5 to Appendix VIII entitled Designation of CCM Client by CCM for Exercise or Abandonment of

Exercise Cleared Transactions will be added after the current Section 4, Validity of Notices, to address the procedures for the Exercise or Abandonment of Exercise Cleared Transactions in the EEP.

A new Section 5 to Appendix VIII entitled Designation of CCM Client by CCM for Exercise or Abandonment of Exercise Cleared Transactions will be added to address the procedures for designation by a CCM of the right to Exercise or Abandon an Exercise Cleared Transaction to a CCM Client. A new Section 5.1 entitled Designation by CCM will be added providing that CCM and CCM Client will agree that a CCM may designate the CCM Client as its Exercise Delegation Beneficiary with respect to a specific CCM Client Cleared Transaction for purposes of the Exercise or Abandonment of the CCM Client Cleared Transactions and receipt of Swaption Notices on its behalf.

A new Section 5.2 to Appendix VIII entitled Exercise Notices and Abandonment Notices delivered in respect of CCM Client Cleared Transaction will be added which will provide that neither CCM nor CCM Client may deliver Swaption Notices in relation to the CCM Client Transaction corresponding to a CCM Client Cleared Transaction in respect of which CCM Client has been designated by CCM as its Exercise Delegation Beneficiary. Instead, if CCM Client as Exercise Delegation Beneficiary of the CCM delivers or receives a valid Swaption Notice in respect of the CCM Client Cleared Transaction corresponding to such CCM Client Transaction, such notice will also be deemed to be a valid Swaption Notice for the purposes of such CCM Client Transaction.

A new Section 5.3 to Appendix VIII entitled Exercise and Abandonment by way of EEP will be added which will provide that any submission of an Option Intent by a CCM Client in respect of a CCM Client Cleared Transaction in respect of which such CCM Client has been designated as Exercise Delegation Beneficiary will be made via its Client Portal Account in the EEP. If (a) the CCM Client submits an Option Intent via its Client Portal Account, (b) the Option Intent is submitted by a CCM Client prior to 4.00 p.m. (London time) on the Expiration Date and (c) LCH SA has completed those steps necessary to make such Option Intent available for viewing in the EEP, such submission will be deemed to constitute delivery by the CCM of a valid Exercise Notice or Abandonment Notice in respect of the CCM Client Cleared Transactions. The deemed time of delivery of such Swaption Notice will be the time specified by the EEP and the registration will be irrevocable.

A new Section 5.4 to Appendix VIII entitled Consequences of EEP Failure will be added to address the procedures in the event that an EEP Failure Event occurs from (and including) the EEP Failure Event Time to (but excluding) the EEP Resolution Time. A new Section 5.4(a) will be added to provide that a CCM Client will deliver Swaption Notices directly to the matched Seller or its relevant Exercise Delegation Beneficiary (with a copy to the Matched Seller) using the notice details provided by LCH SA instead of delivering the Swaption Notice via EEP. A new Section 5.4(b) will be added to specify that, if LCH SA does not provide the Protected Exercise Matched Pair Report by the EMP Notification Deadline or, where an EEP Failure Event occurs after the EMP Notification Deadline, from the time of such EEP Failure Event until such time as LCH provides the Protected Exercise Matched Pair Report, CCM Client will deliver Swaption Notices to LCH SA on behalf of the CCM instead of to the Matched Seller (or its Exercise Delegation Beneficiary). A new Section 5.4(c) will be added which will provide that any notice delivered via the EEP prior to the EEP Failure Event Time will be valid and will not be affected by such EEP Failure Event. Finally, a new Section 5.4(d) will be added to specify that any notice delivered or purported to be delivered via the EEP at or following the EEP Failure Event Time but prior to the EEP Resolution Time will not be valid and effective.

A new Section 5.5 to Appendix VIII entitled Duty to Deliver Swaption CCM Client Notice will be added to specify that the CCM Client must notify LCH SA and its CCM of any Swaption Notice delivered by it in accordance with new Section 5.4 which such CCM Client asserts was effective by no later than 5.00 p.m. on the Expiration Date (the ''Swaption CCM Client Notice Deadline''). If no such notice is delivered by CCM Client or the CCM prior to the Swaption CCM Client Notice Deadline, any Exercise Notice sent by CCM Client pursuant to new Section 5.4 will be deemed to be invalid. However, if LCH SA elects to give effect to an Exercise Notice in respect of a Swaption CCM Client Notice that it determines has been delivered pursuant to Section 6.8 of the Supplement, then such provisions shall apply as if LCH SA had received a Swaption CCM Client Notice in respect of the relevant Exercise Notice by the Swaption CCM Client Notice Deadline, and, if LCH SA determines that it is not possible to give effect to the terms of any such Exercise Notice then the relevant Clearing Members or their Exercise Delegation Beneficiaries will acquire rights as against each other as though party to a bilateral credit default swap transaction on the terms of the Underlying Index Transaction. The Settlement Payment will be due and payable two Transaction Business Days following the giving of a notice that such amount is due and payable and the relevant Clearing Members or their Exercise Delegation Beneficiaries will have enforcement rights as against each other pursuant to the Contracts (Rights of Third Parties) Act 1999 in respect of any resulting payments and deliveries; LCH SA shall have no liability in respect thereof.

A new Section 5.6 to Appendix VIII entitled Delivery of Notices to and from LCH SA in Case of EEP Failure Event will be added to specify that upon the occurrence of an EEP Failure Event, notices and communications given by LCH SA to the CCM Client or vice versa will be given to the address or number provided by the CCM Client to LCH SA and vice versa upon registration or any other address or number duly notified thereafter.

A new Section 5.7 to Appendix VIII entitled Communications Failure Event will be added to address the procedure for notifying LCH SA of a Communications Failure Event, the procedures for delivery of Notices following such Communications Failure Event and the procedures for notifying LCH SA of a resolution of such Communications Failure Event. Subsection (a) of new Section 5.7 will permit a CCM Client affected by a Communications Failure Event to deliver Swaption Notices manually with a Submission Time prior to 4:00 p.m. (London time). However, LCH SA may determine in its sole discretion that it is not able to submit the relevant Option Intent in the relevant system with a Submission Time prior to 4:00 p.m. (London time) on the Expiration Date in which case LCH SA will inform the CCM Client and, subject to Mandatory Provision 5.5, such CCM Client will be deemed not to have submitted an Option Intent in respect of the relevant Exercise Cleared Transaction. Subsection (b) of new Section 5.7 will require the CCM Client to provide written notice (or notice by telephone if CCM Client is unable to deliver written notice) to LCH SA certifying that it is affected by a Communications Failure Event. Subsection (c) of new Section 5.7 will require CCM Client to notify LCH SA upon the resolution of any Communications Failure Event.

Additionally, pursuant to subsection (d) of new Section 5.7, the CCM Client that is subject to a Communications Failure Event must use reasonable endeavors to mitigate the operational impact of any Communications Failure Event, to cure such Communications Failure Event as soon as reasonably practicable and to ensure that the events giving rise thereto do not recur.

A new Section 5.8 to Appendix VIII entitled Confidentiality Waiver will be added stating that the CCM Client consents to the disclosure of its address, fax number, telephone number, contact email address (and any other applicable notice details provided by it) by CCM to LCH SA and by LCH SA in any Protected Exercise Matched Pair Report.

The current Section 5, Determination of Credit Events and Succession Events, will be renumbered as a new Section 6.

The current Section 6, Timings for the Delivery of Notices for CCM Client Transactions, will be renumbered as a new Section 7. The current Section 7, Timings for the Delivery of Exercise Notices for CCM Client Transactions, will be deleted as it has been replaced with the new Section 5 described in the preceding paragraphs.

The amendments to the CDS Clearing Supplement also contain typographical corrections and similar technical corrections and clarifications as well as various conforming references to the new or revised defined terms. Finally, corresponding changes to provision numbering throughout the CDS Clearing Supplement have been made as necessary.

(iii) CDS Clearing Procedures

LCH SA also proposes to modify Section 5 of the Procedures to incorporate terms for implementing the new EEP, to remove inapplicable provisions after implementation of the EEP, and to make certain conforming and clean-up changes to improve clarity of the Supplement.

Specifically, a definition of ''LCH Portal'' will be added to Section 5.3(f) to define the LCH Portal as a single sign-on solution for various LCH SA applications to which Clearing Members may have access over secured internet. Further Section 5.16 will be revised to add a new paragraph entitling a Clearing Member to request that all or part of the reports provided under Section 5.16 be made available on the Client Portal Account. This new paragraph will additionally define the Client Portal Account as the account created by a Client on the LCH Portal. Section 5.16(a)(i)(J) will be amended to replace all references to ''Cleared Transaction Exercise Report'' with ''Protected Exercise Matched Pairs Report'' to reflect the new reporting structure in EEP, and to specify that the timing for the Protected Exercise Matched Pairs Report to be prepared will be three Business Days prior to the Exercise Date and such report will only be made accessible following the occurrence of an EEP Failure Event. The current Section 5.16(c)(ii), Open Interest Report, will be deleted as it no longer applies. Current Section 5.16(c)(iii) will be renumbered as a new Section 5.16(c)(ii) and current Section 5.16(c)(iv) will be renumbered as a new Section 5.16(c)(iii).

A new Section 5.19 entitled Delegation of Exercise of Exercise Cleared Transactions and Electronic Exercise Platform will be added after the current Section 5.18 to address the procedures for delegation of the Exercise or Abandonment of Index Swaption Cleared Transactions and the Electronic Exercise Platform. A new Section 5.19.1 entitled Delegation of Exercise or Abandonment of Exercise Cleared Transactions will be added to provide that any Clearing Member which has delegated to a Client the power to Exercise and/or Abandon all or part of its Exercise Cleared Transactions will notify such delegation to LCH SA by sending a completed and signed notification form to LCH SA via email. Upon receipt, LCH SA will ensure that only such delegate is authorized to Exercise or Abandon the Exercise Cleared Transactions identified in such form. Any withdraw of an exercise Delegation shall be notified to LCH SA by sending a copy of an updated and signed Exercise Delegation form by email to LCH SA. LCH SA will process Exercise Delegations and Exercise Delegation Withdrawals as soon as reasonably practicable.

A new Section 5.19.2 entitled Electronic Exercise of Exercise Cleared Transactions will be added to describe the process for the electronic Exercise of Exercise Cleared Transactions. Upon a submission of an Option Intent in the EEP, LCH SA will carry out logicality controls in respect of such Option Intent in order to help Clearing Members and Exercise Delegation Beneficiaries identify an Option Intent which could have been submitted in the EEP in error based on the relative position or the price of Exercise compared to reference prices provided in the EEP. Any Option Intent which does not pass such logicality controls will not be registered in the EEP and LCH SA will inform the applicable Clearing Member. The Clearing Member and its Exercise Beneficiaries may elect to bypass the logicality controls by specifying ''Confirm'' or ''Force'' in relation to the Option Intent when submitting such Option Intent (''Force Submission''). LCH SA will inform the applicable Clearing Member or Exercise Delegation Beneficiary if an Option Intent is deemed illogical and the Clearing Member or Exercise Delegation Beneficiary may then choose to re-submit such Option Intent and Force Submission. LCH SA will not carry out logicality controls on such Option Intent. Before registering any Option Intent LCH SA will ensure that such Option Intent (i) is submitted by a user who (a) is connected with the proper user ID and password and (b) based on such ID and password, is duly authorized to Exercise or Abandon, as applicable, the relevant Exercise Cleared Transactions; (ii) has not already been submitted in the EEP in respect of the relevant Exercise Cleared Transaction (other than a partial Exercise); and (iii) passes the logicality controls or the relevant Clearing Member or Exercise Delegation Beneficiary has Forced Submission as described earlier in this new Section 5.19.2. LCH SA will not be required to carry out any further control.

The amendments to the CDS Clearing Procedures also contain typographical corrections and similar technical corrections and clarifications as well as various conforming references to the new or revised defined terms. Finally, corresponding changes to provision numbering throughout the CDS Clearing Procedures have been made as necessary.

2. Statutory Basis

LCH SA believes that the proposed rule change in connection with the launch of EEP is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 [4] (the ''Act'') and the regulations thereunder, including the standards under Rule 17Ad–22.[5] Section 17(A)(b)(3)(F) [6] of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. As noted above, the proposed rule change is designed to implement an automated electronic platform to facilitate the transmission and execution of exercise decisions by Clearing Members and

[4] 15 U.S.C. 78q–1.

[5] 17 CFR 240.17Ad–22.

[6] 15 U.S.C. 78q–1(b)(3)(F).

their Clients, which will replace the existing manual notification process and reduce operational risk arising from the current process. Specifically, the EEP will enable Clearing Members and Clients to capture in real time their option exercise decisions, and EEP will notify the relevant option sellers in real time, thereby promoting prompt and accurate option exercise process including the clearing and settlement of the ensuing index credit default swap transactions and the termination of the index option transactions.

Further, LCH SA believes that the proposed changes to the Rule Book, Supplement and Procedures are consistent with requirements of Rule 17Ad–22(e)(17).[7] Rule 17Ad–22(e)(17) requires a covered clearing agency to manage operational risks by (i) identifying the plausible sources of operational risk, both internal and external, and mitigating their impact through the use of appropriate systems, policies, procedures, and controls; (ii) ensuring that systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity; and (iii) establishing and maintaining a business continuity plan that addresses events posing a significant risk of disrupting operations.[8]

As described above, the proposed rule change will enable LCH SA to more effectively manage the operational risks associated with the option exercise process by providing a safe, secure and resilient technological solution. Specifically, the current manual bilateral notification process creates plausible operational risks if LCH SA is not notified or provided a copy of the notification. To address the limitations of the manual bilateral notification process, the proposed rule change is designed to implement the EEP which captures option exercise decisions in real time while ensuring that LCH SA is not exposed to any principal risk upon the transmission of an exercise intent decision, or upon a related technical failure. As described above, acceptance of timely Option Intent from an option buyer will be conditioned within the EEP upon EEP's successful validation checks. If the Option Intent did not pass the validation checks, the EEP will reject the initial Option Intent submitted by the option buyer on a timely basis so the option buyer will be able to either resubmit the option exercise intent through EEP or rely on the existing manual exercise process, thereby ensuring that the option buyer can exercise its trade in time. On the other hand, if the Option Intent is delivered before the exercise deadline and passes the EEP validation checks, the swaption notice will be deemed legally delivered by LCH SA to the option seller on a real time basis with respect to the seller side of the transaction. Therefore, in no event would LCH SA be deemed as not having exercised the option with the Matched Seller if the Matched Buyer timely delivers its Option Intent and such Option Intent is validated by the EEP. This structural design and workflow mirrors what currently exists regarding the delivery of restructuring credit event notices. Further, as described above, LCH SA will implement validation checks on received Option Intents, including illogical intent checks to limit 'fat-finger' errors, before applying and registering the intents in the system. The new option exercise process using EEP will preserve the counterparty anonymity. In addition, recognizing the criticality of the exercise/expiry process, LCH SA will have well defined contingency procedures in place to address any EEP failure or any Clearing Member technological issues resulting in Clearing Members' communications failures. The existing manual process remains a fallback in the event of an EEP failure or a Clearing Member communications failure in order to ensure that the entire option exercise systems have a high degree of security, resiliency, operational reliability, and adequate, scalable capacity.

Finally, the EEP will be an integral part of the clearing systems with respect to swaptions cleared by LCH SA and therefore, an SCI system within the meaning of Regulation SCI.[9] Rule 1001(a) requires an SCI entity, which includes a registered clearing agency, to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its SCI systems and, for purposes of security standards, indirect SCI systems, have levels of capacity, integrity, resiliency, availability, and security, adequate to maintain the SCI entity's operational capability and promote the maintenance of fair and orderly markets.[10] Rule 1001(b) require an SCI entity, which includes a registered clearing agency, to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its SCI systems operate in a manner that complies with the Act and the rules and regulations thereunder and the SCI entity's rules and governing documents, as applicable.[11]

LCH SA believes that the proposed rule change is consistent with the requirements of Regulation SCI. First, the proposed rule change does not amend the existing policies and procedures reasonably designed to comply with the Regulation SCI requirements, including the requirements in Rule 1001(a) and (b).[12] LCH SA will include the EEP in its SCI systems and administer the EEP in accordance with and consistent with the existing policies and procedures designed to comply with Regulation SCI. For example, LCH SA currently has its Business Continuity Management program in place to enable CDSClear to provide continuity and timely recovery of business operations in the event of a major incident or crisis, which impacts or has the potential to impact business functions. The proposed rule change does not amend any details of LCH SA's ability to recover its technical infrastructure in its Disaster Recovery Plan. However, recognizing the use of EEP as the principal form of option exercise mechanism, the proposed rule change, as described above, will include fallback processes in the event of an EEP Failure Event or a Clearing Member Communications Failure Event and will clearly specify when such failure ceases to exist and the requirement to resume the usage of EEP. As detailed above, in the event of the EEP failing, the option exercise process would revert to the existing bilateral notification process via email or messaging. Accordingly, LCH SA believes that the proposed rule change, when implemented with the existing policies and procedures designed to comply with Regulation SCI, is appropriately designed to ensure the EEP will have levels of capacity, integrity, resiliency, availability, and security, adequate to maintain CDSClear's operational capability for option exercise and to ensure that the EEP will operate in a manner that complies with the Act and the rules and regulations thereunder, as well as LCH SA's rules and governing documents.

For the reasons stated above, LCH SA believes that the proposed rule change with respect to the Rule Book, Supplement and Procedures in connection with the launch of the EEP are consistent with the requirements of prompt and accurate clearance and settlement of securities transactions in Section 17(A)(b)(3)(F)[13] of the Act, the

[7] 17 CFR 240.17Ad–22(e)(17).

[8] 17 CFR 240.17Ad–22(e)(17).

[9] 17 CFR 242.1000–1007.

[10] 17 CFR 242.1001(a).

[11] 17 CFR 242.1001(b).

[12] 17 CFR 242.1001(a)–(b).

[13] 15 U.S.C. 78q–1(b)(3)(F).

requirements of operational risk management in Rule 17Ad–22(e)(17) [14] and the requirements of Regulation SCI.[15]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[16] LCH SA does not believe that the proposed rule change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the proposed changes to the Rule Book, Supplement and Procedures would apply equally to all Clearing Members and their Clients are Matched Buyers and Matched Sellers. All Clearing Members and their designated Clients who are Exercise Delegation Beneficiaries will be required to use EEP to exercise Exercise Cleared Transactions. The proposed rule change and implementation of EEP will require Clearing Members and their Clients to connect to LCH SA's systems through opening a portal account and therefore, may impose burdens on Clearing Members and their Clients but such burdens would be necessary and appropriate to manage LCH SA's operational risks and to implement an automated electronic system to capture all exercises of Option Intents. Therefore, LCH SA does not believe that the proposed rule change would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

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 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–LCH SA–2018–004 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–LCH SA–2018–004. 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 LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rules-and-regulations/proposed-rule-changes-0.* 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–LCH SA–2018–004 and should be submitted on or before September 26, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19147 Filed 9–4–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 240.17Ad–22(e)(17).

[15] 17 CFR 242.1000–1007.

[16] 15 U.S.C. 78q–1(b)(3)(I).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, September 6, 2018.

PLACE: Closed Commission Hearing Room 10800.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Jackson, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: August 30, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–19258 Filed 8–31–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83988; File No. SR–NASDAQ–2018–068]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Extend the Cutoff Times for Accepting On Close Orders Entered for Participation in the Nasdaq Closing Cross

August 29, 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, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the cutoff times for accepting on close orders entered for participation in the Nasdaq Closing Cross, and make related changes.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the cutoff times for accepting on close orders entered for participation in the Nasdaq Closing Cross. The Nasdaq Closing Cross provides a transparent auction process that determines a single price for the close. As the equities markets continue to evolve and become more efficient and automated, the Exchange believes that the current cutoff times are overly restrictive to market participants that wish to participate in the Nasdaq Closing Cross and that typically have to tie up on close interest for ten minutes or more at the end of the trading day to participate in the cross. Similar to cutoffs provided by other equities exchanges that operate a closing auction, the Exchange believes that the proposed cutoff times would give Participants greater control over their on close orders while still leaving enough time at the end of the trading day for Participants to react to and offset Imbalances. Last, the Exchange is proposing to begin disseminating the Order Imbalance Indicator at the new Closing Cross Cutoff.

Current Cutoff Times

Generally, Market On Close (''MOC'')[3] and Limit on Close (''LOC'')[4] Orders are accepted today until immediately prior to 3:50 p.m. ET (''Closing Cross Cutoff'')[5] when the Exchange begins disseminating an Order Imbalance Indicator[6] that contains information about the Nasdaq Closing Cross. Imbalance Only (''IO'') Orders, on the other hand, are designed to allow Participants to offset Imbalances, and may therefore be entered until the time of execution of the Nasdaq Closing Cross, but may not be cancelled or modified at or after the Closing Cross Cutoff, except to correct legitimate errors as described below.[7]

The Exchange also continues to accept LOC Orders between the Closing Cross Cutoff and immediately prior to 3:55 p.m. ET (''Late Cutoff'')[8] provided that there is a First Reference Price.[9] In order to promote price stability in the Nasdaq Closing Cross, such LOC Orders entered during this period are either canceled or re-priced to the First Reference Price, based on the Participant's instruction, if the LOC Order's limit price is more aggressive than the First Reference Price.[10] Imbalance Only (''IO'') Orders,[11] meanwhile, are designed to permit Participants to offset Imbalances and therefore may be entered until 4:00 p.m. ET when the Exchange executes the Nasdaq Closing Cross and disseminates the executions via the consolidated tape.[12]

Participants may also be able to cancel and/or modify their on close orders between the Closing Cross Cutoff and immediately prior to the Late Cutoff in limited circumstances. Specifically, during this time period: (1) MOC Orders and IO Orders can be cancelled and/or modified,[13] and (2) LOC Orders can be cancelled but not modified,[14] in each case to correct a legitimate error in the order (*e.g.,* Side, Size, Symbol, or Price, or duplication of an Order).

Proposed Cutoff Times

The Exchange now proposes to change the Closing Cross Cutoff to 3:55 p.m. ET and the Late Cutoff to 3:58 p.m. ET.[15] The Exchange believes that this

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A MOC Order is an Order Type entered without a price that may be executed only during the Nasdaq Closing Cross. *See* Rule 4702(b)(11).

[4] A LOC Order is an Order Type entered with a price that may be executed only in the Nasdaq Closing Cross, and only if the price determined by the Nasdaq Closing Cross is equal to or better than the price at which the LOC Order was entered. *See* Rule 4702(b)(12).

[5] As used in this proposed rule change, the term ''Closing Cross Cutoff'' refers to the various 3:50 p.m. ET cutoff times described herein for the Nasdaq Closing Cross, including the regular cutoff time for entering MOC/LOC Orders described above and the related cutoff time for cancelling or modifying IO Orders, which is currently at or after 3:50 p.m. ET in contrast to MOC/LOC Orders whose cutoff times are immediately prior to 3:50 p.m. ET.

[6] ''Order Imbalance Indicator'' means a message disseminated by electronic means containing information about MOC, LOC, IO, and Close Eligible Interest and the price at which those orders would execute at the time of dissemination.

[7] *See* Rule 4702(b)(13)(A).

[8] As used in this proposed rule change, the term ''Late Cutoff'' refers to the various 3:55 p.m. ET cutoff times described herein for the Nasdaq Closing Cross, including the cutoff time for entering the LOC Orders described above and the cutoff time for correcting legitimate errors in an on close order.

[9] ''First Reference Price'' shall mean the Current Reference Price in the first Order Imbalance Indicator disseminated at or after 3:50 p.m. ET. *See* Rule 4754(a)(9).

[10] *See* Rule 4702(b)(12)(A).

[11] An IO Order is an Order entered with a price that may be executed only in the Nasdaq Closing Cross and only against MOC Orders or LOC Orders. *See* Rule 4702(b)(13).

[12] *See* Rule 4702(b)(13)(A).

[13] *See* Rule 4702(b)(11)(A), (13)(A). As provided in these rules, MOC and IO Orders cannot be cancelled or modified at or after the Late Cutoff for any reason.

[14] *See* Rule 4702(b)(12)(A).

[15] The Exchange proposes to reflect the proposed cutoff times throughout the Nasdaq rulebook, including Rule 4702(b)(11)–(13), which defines

Continued

proposed change will enhance the experience provided to market participants who will be able to enter and interact with their on close orders later in the trading day.

The Nasdaq Closing Cross was established by the Exchange in 2004 to create a more robust close that would allow for price discovery, and an execution that would result in an accurate, tradable closing price.[16] While the Exchange has made changes to the Nasdaq Closing Cross in the fourteen years since it was established, including by recently permitting LOC Orders to be entered until the Late Cutoff in certain circumstances, the normal Closing Cross Cutoff has remained at 3:50 p.m. ET. At the same time, the equities markets have become more efficient and automated. The Exchange therefore no longer believes that ten minutes is needed for market participants to react to and resolve Imbalances in the Nasdaq Closing Cross. As a result, the Exchange is proposing to extend the Closing Cross Cutoff time to 3:55 p.m. ET, which is consistent with the cutoff time provided in the CBOE BZX Exchange, Inc. (''BZX'') closing auction.[17] While other exchanges operate closing auctions with various cutoff times as late as 3:59 p.m. ET,[18] the Exchange believes that a 3:55 p.m. ET Closing Cross Cutoff strikes the appropriate balance for the Nasdaq Closing Cross in today's trading environment.

The Exchange also continues to believe that it is beneficial to price discovery to permit Participants to submit LOC Orders after the regular Closing Cross Cutoff if there is a First Reference Price as provided in SR–Nasdaq–2017–061. Likewise, the Exchange continues to believe that it is appropriate to provide a brief period of additional time for Participants to correct legitimate errors in their orders entered for participation in the Nasdaq Closing Cross. The Exchange therefore proposes to extend the Late Cutoff to 3:58 p.m. ET. Other exchanges also accept similar orders in this timeframe. For example, BZX offers ''Late-Limit-On-Close Orders'' that are accepted until the execution of their closing auction at 4:00 p.m. ET,[19] and NYSE Arca, Inc. (''Arca'') initiates its ''Closing Auction Imbalance Freeze'' for all MOC and LOC Orders at 3:59 p.m. ET.[20] LOC Orders submitted after the proposed Closing Cross Cutoff and before the proposed Late Cutoff will continue to be handled as they are today, and would therefore only be accepted if there is a First Reference Price, and would be subject to re-pricing if the limit price of the LOC Order is more aggressive than the First Reference Price or rejection, depending on the election of the member. Furthermore, the cancellation and/or modification of orders during the extended period would continue to be allowed only to correct a legitimate error in the order.

In addition, Rule 4702(b)(12)(A) currently provides that a Closing Cross/Extended Hours Order that is entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross will be rejected if it has been assigned a Pegging Attribute. Pegging is an Order Attribute that allows an Order to have its price automatically set with reference to the national best bid or offer (''NBBO''), and is therefore available only during Market Hours.[21] Since a Pegging Attribute is only available during Market Hours, an Order with a Pegging Attribute can never be entered as a Closing Cross/Extended Hours Order, which would be valid only after Market Hours had concluded. The Exchange proposes to make this clear in Rule 4702(b)(12)(B) by removing the current reference to the time during which such an Order is entered. As proposed, the rule would provide that a Closing Cross/Extended Hours Order will be rejected if it has been assigned a Pegging Attribute.

Order Imbalance Indicator

Once MOC/LOC Orders are locked in at the Closing Cross Cutoff, the Exchange begins disseminating the Order Imbalance Indicator to provide market participants with information about the Nasdaq Closing Cross. With the proposed changes to the Closing Cross Cutoff, the Exchange is proposing to also begin disseminating the Order Imbalance Indicator at the new Closing Cross Cutoff of 3:55 p.m. ET.[22] The Exchange has always disseminated the Order Imbalance Indicator once MOC/LOC Orders are locked in at the Closing Cross Cutoff. Prior to the Closing Cross Cutoff, Participants have significantly more leeway to enter new on close orders or cancel or modify on close orders already entered. The Exchange therefore believes that continuing to disseminate the Order Imbalance Indicator starting at the Closing Cross Cutoff, which as proposed will be 3:55 p.m. ET, will ensure that market participants receive a more complete picture of on close interest when such interest is relatively settled.

Currently, the Order Imbalance Indicator is disseminated every five seconds starting at the Closing Cross Cutoff discussed above. The Exchange believes, however, that more frequent dissemination will be beneficial to market participants that use this information, and is therefore proposing to increase the frequency of dissemination to every second. This proposed change will apply to the Order Imbalance Indicator for the Nasdaq Closing Cross as well as the similar Order Imbalance Indicator provided for the LULD Closing Cross,[23] Nasdaq Opening Cross,[24] and the Nasdaq Halt Cross,[25] which each have a five second dissemination frequency today.

Conforming Changes

Last, the Exchange is proposing to make conforming changes to Rule 7018(a), which provides the fees and credits available to members for the use of the order execution and routing services of the Nasdaq Market Center for all securities priced at $1 or more that it trades. Under Rules 7018(a)(1) and (2), Nasdaq has credits that exclude Limit-on-Close Order entered between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET. The Exchange is proposing to update these times to reflect the times proposed herein.

Implementation

The Exchange proposes to implement all of the changes described in this proposed rule change in either Q3 or Q4 2018. The Exchange will announce the implementation date of these changes in an Equity Trader Alert issued to Participants prior to implementing the change.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)

MOC, LOC, and IO Orders, as well as Rules 4754(a)(9), (b)(1) and (b)(7)(B), which describe the Nasdaq Closing Cross. With the changed cutoff times, the Exchange will reject MOC Orders entered after the 3:55 p.m. ET cutoff, as described in proposed Rule 4702(b)(11)(B), and will reject LOC Orders and Closing Cross/Extended Hours Orders entered at or after 3:58 p.m. ET, as described in proposed Rule 4702(b)(12)(B).

[16] *See* Securities Exchange Act Release Nos. 48878 (December 4, 2003), 68 FR 69098 (December 11, 2003) (Notice); 49406 (March 11, 2004), 69 FR 12879 (March 18, 2004) (Approval Order) (SR–NASD–2003–173).

[17] *See* BZX Rule 11.23(c)(1)(A).

[18] *See infra* note 20.

[19] *See* BZX Rule 11.23(c)(1)(A).

[20] *See* Arca Rule 7.35–E(d)(2).

[21] *See* Rule 4703(d).

[22] Because the First Reference Price refers to the Current Reference Price in the first Order Imbalance Indicator disseminated to market participants, Rule 4754(a)(9) will similarly be updated to reference 3:55 p.m. ET, which is when the first Order Imbalance Indicator will now be disseminated.

[23] *See* Rule 4754(b)(6).

[24] *See* Rule 4752(d)(1).

[25] *See* Rule 4753(b)(1).

of the Act,[26] in general, and furthers the objectives of Section 6(b)(5) of the Act,[27] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Specifically, the Exchange believes that extending the cutoff times for submitting on close orders will allow market participants to retain control over their orders for a longer period of time, and thereby assist those market participants in managing their trading at the close. Furthermore, the Exchange believes that the proposed changes to the Order Imbalance Indicator will protect investors and the public interest by continuing to provide complete and timely information to the market.

Cutoff Times

While the Exchange originally implemented a Closing Cross Cutoff time in 2004 that was ten minutes prior to the execution of the Nasdaq Closing Cross, the Exchange no longer believes that this much time is required for market participants to respond to and offset Imbalances. To promote price discovery in the Nasdaq Closing Cross, the Exchange disseminates an Order Imbalance Indicator with certain information about the cross to market participants beginning at 3:50 p.m. ET, at which time market participants have more limited means of entering orders to participate in the Nasdaq Closing Cross. Specifically, Participants cannot enter new MOC Orders on or after 3:50 p.m. ET, and between 3:50 p.m. ET and immediately prior to 3:55 p.m. ET are limited to entering LOC Orders that are subject to being rejected or re-priced if too aggressive based on the First Reference Price disseminated at that time (or rejected if there is no First Reference Price). Otherwise, the ability to update MOC or LOC Orders is limited to correcting legitimate errors. The Exchange believes that market participants would be better served if the Closing Cross Cutoff was extended to 3:55 p.m. ET so that the period of time where they have limited control over their orders is reduced.[28] The Exchange believes that this will reduce risk for market participants that participate in the Nasdaq Closing Cross, and improve price discovery by facilitating additional participation by market participants that may not be willing to lose control over their on close interest for ten minutes. Another equities exchange, BZX, already uses a 3:55 p.m. ET cutoff for regular MOC/LOC entry in its closing auction, and the Exchange believes that this cutoff time reflects the efficiency and more automated nature of trading in today's market.

In addition, the Exchange continues to believe that it is appropriate to offer a later cutoff time for certain LOC Orders, as well as for the correction of legitimate errors. The Exchange launched the functionality described in SR–Nasdaq–2017–061 last year, and believes that it provides a helpful means for promoting price discovery in the Nasdaq Closing Cross. Since the Exchange is extending the Closing Cross Cutoff to the time that these LOC Orders are accepted until today, the Exchange is proposing to extend the Late Cutoff as well. The Exchange believes that the market will continue to benefit from permitting LOC Orders to be submitted until 3:58 p.m. ET, subject to the conditions described in the current rule with respect to rejection or re-pricing and orders being accepted only when there is matched buy and sell interest that is eligible to participate in the Nasdaq Closing Cross, as evidenced by a First Reference Price being disseminated to market participants. BZX, which offers a similar ''Late-Limit-On-Close Order'' accepts those orders until 4:00 p.m. ET, when that exchange runs its closing auction, and Arca initiates its ''Closing Auction Imbalance Freeze'' for all MOC and LOC Orders at 3:59 p.m. ET. The Exchange therefore believes that there is ample precedent in the industry for continuing to accept these orders until 3:58 p.m. ET, as proposed.

Furthermore, the Exchange believes that it is appropriate to clarify in its rules that a Closing Cross/Extended Hours Order will be rejected if it has been assigned a Pegging Attribute (*i.e.,* regardless of the time the Order is entered). Although the current rule references Closing Cross/Extended Hours Order entered between 3:50 p.m. ET and the time of the Nasdaq Closing Cross, Pegging Attributes are available during Market Hours only, and therefore Closing Cross/Extended Hours Orders are rejected if entered with a Pegging Attribute at other times as well. Thus, the Exchange believes the proposed change will increase transparency around the operation of the Exchange.

Order Imbalance Indicator

The Exchange also believes that it is appropriate to continue to disseminate the Order Imbalance Indicator starting at the Closing Cross Cutoff. As explained in the purpose section of this proposed rule change, the Exchange has always disseminated the Order Imbalance Indicator beginning at the Closing Cross Cutoff, which is when the Exchange believes it is possible to disseminate meaningful information about the Nasdaq Closing Cross. Prior to this time, Participants are generally free to submit additional on close interest and/or cancel or modify on close interest already submitted. Furthermore, many Participants may wait until immediately prior to the Closing Cross Cutoff to enter their on close interest. Thus, the Exchange believes that any information disseminated before the Closing Cross Cutoff has the potential to be misleading to some market participants. As a result, the Exchange believes that it is consistent with the protection of investors and the public interest to continue to disseminate this information at the Closing Cross Cutoff, which will be moved to 3:55 p.m. ET, as proposed.

Finally, the Exchange believes that market participants will benefit from a more frequent dissemination of the Order Imbalance Indicator for the Nasdaq Closing Cross, LULD Closing Cross, Nasdaq Opening Cross, and Nasdaq Halt Cross. While the Exchange initially chose to disseminate this information once every five seconds, the Exchange believes that the increased automation and efficiency in the equities markets that spurred the changed cutoff times described above also justify increasing the frequency for disseminating information to the market. Arca similarly updates Auction Imbalance Information at least every second, unless there is no change to the information.[29] The Exchange believes that an increased frequency of data dissemination for each of the auctions described above will be helpful to Participants that will benefit from a more timely view of the market.

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 intermarket or intramarket competition not necessary

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

[28] The ''Closing Cross Cutoff'' refers to various 3:50 p.m. ET cutoff times for the Nasdaq Closing Cross. As such, this change will impact functionality that is tied to the regular cutoff time for entering MOC/LOC Orders, such as the cutoff time for cancelling or modifying IO Orders. *See supra* note 5. The Exchange believes that Participants should continue to be able to cancel or modify their IO Orders, which are designed to offset Imbalances, until such time as MOC/LOC Orders are locked in at the Closing Cross Cutoff.

[29] *See* Arca Rule 7.35–E(a)(4)(A).

or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change is evidence of the competitive forces in the equities markets. The Exchange originally launched the Nasdaq Closing Cross in 2004 with a ten minute cutoff period where Participants would no longer have the ability to enter additional MOC/LOC Orders, and would have limited ability to interact with their already entered orders. While the Exchange launched functionality last year to accept LOC Orders up to five minutes before the execution of the Nasdaq Closing Cross, these orders are subject to conditions that may not appeal to all market participants. Meanwhile, exchanges that have launched closing auctions more recently have typically adopted them with shorter cutoff periods. The Exchange believes that the market participants that trade in the Nasdaq Closing Cross, which determines the Nasdaq Official Closing Price for all Nasdaq listed stocks, would similarly benefit from a shorter cutoff period. The proposed cutoff times would apply equally to all Participants and reflects the current market environment where trading is increasingly more automated and efficient, and where competing exchanges already offer later cutoff times than those currently in place on Nasdaq. The Exchange believes that the proposed changes to the Order Imbalance Indicator similarly reflect the current competitive environment as the Exchange's changes are designed to continue to provide complete and timely information to the market, to the benefit of Participants that trade on Nasdaq. The proposed changes to the Order Imbalance Indicator, like the changes being made to the cutoff times, will apply equally to all 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

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 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–NASDAQ–2018–068 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2018–068. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–068 and should be submitted on or before September 26, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19148 Filed 9–4–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83982; File No. SR–NYSEArca–2018–62]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Listing and Trading of Shares of the American Century Diversified Municipal Bond ETF Under NYSE Arca Rule 8.600–E

August 29, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 17, 2018, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the American Century Diversified Municipal Bond ETF under NYSE Arca Rule 8.600–E (''Managed Fund Shares''). The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

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 list and trade shares (''Shares'') of the American Century Diversified Municipal Bond ETF (''Fund'') under NYSE Arca Rule 8.600–E,[4] which governs the listing and trading of Managed Fund Shares.[5] The Shares will be offered by the American Century ETF Trust (the ''Trust''), which is registered with the Commission as an open-end management investment company.[6] The Fund is a series of the Trust.

American Century Investment Management, Inc. will be the Fund's investment adviser (''Adviser''). Foreside Fund Services, LLC will be the Fund's distributor. State Street Bank and Trust Company will serve as transfer agent for the Fund.

Commentary .06 to Rule 8.600–E provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer, and has implemented a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's portfolio. In addition, personnel who make decisions on the Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the Fund's portfolio. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser to the Fund is a registered broker-dealer or becomes affiliated with a broker-dealer, the applicable adviser will implement and maintain a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

American Century Diversified Municipal Bond ETF

According to the Registration Statement, the Fund will seek current income that is exempt from federal income tax. The Fund will invest in municipal and other debt securities. Under normal market conditions,[8] the Fund will invest at least 80% of the Fund's net assets in municipal securities (''Municipal Securities'').[9]

According to the Registration Statement, the Fund may invest in Municipal Securities which, for purposes of this filing, are the following:

- General obligation bonds
- Revenue (or limited obligation) bonds
- Private activity (or industrial development) bonds
- Municipal notes
- Municipal warrants
- Municipal lease obligations
- Zero-coupon municipal securities
- Municipal tobacco bonds

The Fund may purchase new issues of Municipal Securities on a when-issued or forward commitment basis.

The Municipal Securities in which the Fund invests may be fixed, variable or floating rate securities.

Other Investments

While the Fund, under normal market conditions, will invest at least 80% of its net assets in Municipal Securities as described above, the Fund may, under normal market conditions, invest up to 20% of its net assets in the aggregate in the securities and financial instruments described below.

[4] The Securities and Exchange Commission (''Commission'') has approved Exchange listing and trading shares of actively managed funds that principally hold municipal bonds. *See, e.g.,* Securities Exchange Act Release Nos. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of shares of the PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund); 79293 (November 10, 2016), 81 FR 81189 (November 17, 2016) (SR–NYSEArca–2016–107) (order approving listing and trading of shares of Cumberland Municipal Bond ETF under Rule 8.600); 80865 (June 6, 2017), 82 FR 26970 (June 12, 2017) (order approving listing and trading of shares of the Franklin Liberty Intermediate Municipal Opportunities ETF and Franklin Liberty Municipal Bond ETF under NYSE Arca Equities Rule 8.600); 80885 (June 8, 2017), 82 FR 27302 (June 14, 2017) (order approving listing and trading of shares of the IQ Municipal Insured ETF, IQ Municipal Short Duration ETF, and IQ Municipal Intermediate ETF under NYSE Arca Equities Rule 8.600); 82166 (November 29, 2017), 82 FR 57497 (December 5, 2017) (SR–NYSEArca–2017–90) (order approving listing and trading of shares of the Hartford Municipal Opportunities ETF Under NYSE Arca Rule 8.600–E). The Commission also has approved listing and trading on the Exchange of shares of the SPDR Nuveen S&P High Yield Municipal Bond Fund under Commentary .02 of NYSE Arca Equities Rule 5.2(j)(3). *See* Securities Exchange Act Release No.63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On June 22, 2018, the Trust filed with the Commission its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–221045 and 811–23305) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 32871 (October 25, 2017) (File No. 812–14793) (''Exemptive Order'').

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''normal market conditions'' is defined in NYSE Arca Rule 8.600–E(c)(5).

[9] Municipal securities primarily include debt obligations are issued by or on behalf of the District of Columbia, states, territories, commonwealths and possessions of the United States and their political subdivisions (*e.g.,* cities, towns, counties, school districts, authorities and commissions) and agencies, authorities and instrumentalities.

The Fund may hold cash and cash equivalents.[10] In addition, the Fund may hold the following fixed income securities with maturities of three months or more: Securities issued or guaranteed by the U.S. government and its agencies and instrumentalities; commercial paper; bankers' acceptances; notes; bonds (other than bonds that are Municipal Securities); debentures; repurchase agreements; money market funds; and certificates of deposit.

The Fund may hold the following derivative instruments: U.S. Treasury futures contracts; interest rate futures; futures on fixed income securities or fixed income securities indexes; and exchange-traded and over-the-counter (''OTC'') credit default swaps, interest rate swaps, swaps on fixed income securities, and swaps on fixed income securities indexes.

The Fund may hold structured notes.

The Fund may hold inverse floaters.

The Fund may hold variable or floating rate fixed income securities (other than variable or floating rate Municipal Securities).

The Fund may purchase zero-coupon debt securities (other than zero-coupon Municipal Securities).

The Fund may purchase step-coupon or step-rate debt securities.

The Fund may purchase pay-in-kind securities.

The Fund may engage in short sales in any of the securities or financial instruments in which it may invest.

The Fund will not invest in securities or other financial instruments that have not been described in this proposed rule change.

Creations and Redemptions of Shares

According to the Registration Statement, the consideration for purchase of Creation Units of the Fund generally will consist of cash. Alternatively, Creation Units may at times be offered in exchange for ''Deposit Securities'' (*i.e.,* the in-kind deposit of a designated portfolio of securities) and the Cash Component as described below. Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit.'' The Fund Deposit represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' is an amount equal to the difference between the net asset value (''NAV'') of the Shares (per Creation Unit) and the ''Deposit Amount,'' which is an amount equal to the market value of the Deposit Securities, and serves to compensate for any differences between the NAV per Creation Unit and the Deposit Amount. The size of a Creation Unit will be 50,000 Shares, which is subject to change; however, the size of a Creation Unit will not exceed 100,000 Shares.

When partial or full cash purchases of Creation Units are available or specified for the Fund, they will be effected in essentially the same manner as in-kind purchases thereof. In the case of a partial or full cash purchase, the ''Authorized Participant'' (as described below) must pay the cash equivalent of the Deposit Securities it would otherwise be required to provide through the in-kind purchase, plus the same Cash Component required to be paid by an in-kind purchaser.

The Adviser will make available through the NSCC on each business day prior to the opening of business on the Exchange, the list of names and the required number of shares of each Deposit Security and the amount of the Cash Component (if any) to be included in the current Fund Deposit.

The Fund reserves the right to permit or require the substitution of a ''cash in lieu'' amount to be added to the Cash Component to replace any Deposit Security that may not be available in sufficient quantity for delivery or that may not be eligible for transfer through the facilities of the Depository Trust Company (''DTC'') or the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') (''NSCC Clearing Process''), or that the Authorized Participant is not able to trade due to a trading restriction.[11]

An Authorized Participant must submit an irrevocable order to purchase Shares of the Fund, in proper form, no later than two hours prior to the closing time of the Core Trading Session of the Exchange (normally 2 p.m., Eastern time (''E.T.'')), on any business day to receive that day's NAV.

To be eligible to place orders and to create a Creation Unit of the Fund, an entity must be: (i) A ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the NSCC Clearing Process, or (ii) a DTC Participant, and, in either case, must have executed an agreement with the distributor with respect to creations and redemptions of Creation Units (Authorized Participant Agreement). A Participating Party or DTC Participant who has executed an Authorized Participant Agreement is referred to as an ''Authorized Participant.''

Shares of the Fund may be redeemed by Authorized Participants only in Creation Units at their NAV next determined after receipt of a redemption request in proper form and only on a business day.

The Adviser will make available through the NSCC, prior to the opening of business on the Exchange on each business day, the designated portfolio of securities (including any portion of such securities for which cash may be substituted) that will be applicable to redemption requests received in proper form on that day (Fund Securities), and an amount of cash as described below (Cash Amount) (if any).

Unless cash redemptions are available or specified for the Fund, the redemption proceeds for a Creation Unit generally will consist of Fund Securities, plus the Cash Amount, which is an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a redemption request in proper form, and the value of Fund Securities, less a redemption transaction fee.

When partial or full cash redemptions of Creation Units are available or specified, they will be effected in essentially the same manner as in-kind purchases thereof. In the case of a partial or full cash redemption, the Authorized Participant receives the cash equivalent of the Fund Securities it would otherwise receive through an in-kind redemption, plus the same Cash Amount to be paid to an in-kind redeemer.[12]

Redemption requests for Creation Units of the Fund must be submitted to the transfer agent by or through an Authorized Participant. An Authorized Participant must submit an irrevocable request to redeem Shares no later than two hours prior to the closing of the regular trading session of the Exchange (normally 2:00 p.m., E.T.) on any business day, in order to receive that day's NAV.

Availability of Information

The Fund will disclose on the Fund's website (*www.americancenturyetfs.com*) at the start of each business day the identities and quantities of the securities and other assets held by the Fund that will form the basis of the Fund's calculation of its NAV on that business day. The portfolio holdings so disclosed will be based on information

[10] For purposes of this filing, the term ''cash equivalents'' has the meaning specified in Commentary .01(c) to NYSE Arca Rule 8.600–E.

[11] The Adviser represents that, to the extent the Trust effects the creation or redemption of Shares wholly or partially in cash, such transactions will be effected in the same manner for all Authorized Participants.

[12] *See* note 11, *supra.*

as of the close of business on the prior business day and/or trades that have been completed prior to the opening of business on that business day and that are expected to settle on the business day.

The website for the Fund will contain the following information, on a per-Share basis, for the Fund: (1) The prior business day's NAV; (2) the market closing price or midpoint of the bid-ask spread at the time of NAV calculation (the ''Bid-Ask Price''); and (3) a calculation of the premium or discount of the Bid-Ask Price against such NAV. In addition, on each business day, before the commencement of trading in Shares on the NYSE Arca, the Fund will disclose on its website the identities and quantities of the portfolio securities and other assets held by the Fund that will form the basis for the calculation of NAV at the end of the business day.

The Fund's portfolio holdings will be disclosed on the Fund's website daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. On a daily basis, the Fund will disclose the information required under NYSE Arca Rule 8.600–E (c)(2) to the extent applicable. The website information will be publicly available at no charge.

The approximate value of the Fund's investments on a per-Share basis, the IOPV, will be disseminated every 15 seconds during the Exchange Core Trading Session (ordinarily 9:30 a.m. to 4:00 p.m., E.T.).

Investors can also obtain the Fund's Statement of Additional Information (''SAI'') and shareholder reports. The Fund's SAI and shareholder reports will be available free upon request from the Trust, and those documents and Form N–CSR may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov*. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line, and from the national securities exchange on which they are listed. Quotation information from brokers and dealers or pricing services will be available for Municipal Securities. Price information for money market funds is available from the applicable investment company's website and from market data vendors. Price information for exchange-traded derivative instruments held by the Fund is available from the applicable exchange. Price information for certain fixed income securities held by the Fund is available through the Financial Industry Regulatory Authority's (FINRA) Trade Reporting and Compliance Engine (''TRACE''). Price information for certain Municipal Securities held by the Fund is available through the Electronic Municipal Market Access (''EMMA'') of the Municipal Securities Rulemaking Board (''MSRB''). Pricing information regarding each asset class in which the Fund will invest will generally be available through nationally recognized data service providers through subscription agreements. In addition, the indicative optimized portfolio value (''IOPV'')(which is the Portfolio Indicative Value, as defined in NYSE Arca Rule 8.600–E(c)(3)), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors or other information providers.[13]

Investment Restrictions

The Fund's investments will be consistent with its investment goal and will not be used to provide multiple returns of a benchmark or to produce leveraged returns.

Under normal market conditions, except for periods of high cash inflows or outflows,[14] the Fund will satisfy the following criteria:

i. The Fund will have a minimum of 20 non-affiliated issuers;

ii. No single municipal securities issuer will account for more than 10% of the weight of the Fund's portfolio;

iii. No individual bond will account for more than 5% of the weight of the Fund's portfolio;

iv. The Fund will limit its investments in Municipal Securities of any one state to 20% of the Fund's total assets and will be diversified among issuers in at least 10 states;

v. The Fund will be diversified among a minimum of five different sectors of the municipal bond market.[15]

Pre-refunded bonds will be excluded from the above limits. The Adviser represents that, with respect to pre-refunded bonds (also known as refunded or escrow-secured bonds, the issuer ''prerefunds'' the bond by setting aside in advance all or a portion of the amount to be paid to the bondholders when the bond is called. Generally, an issuer uses the proceeds from a new bond issue to buy high grade, interest bearing debt securities, including direct obligations of the U.S. government, which are then deposited in an irrevocable escrow account held by a trustee bank to secure all future payments of principal and interest on the pre-refunded bonds. The escrow would be sufficient to satisfy principal and interest on the call or maturity date and one would not look to the issuer for repayment. Because pre-refunded bonds' pricing would be valued based on the applicable escrow (generally U.S. government securities), such pre-refunded securities would not be readily susceptible to market manipulation and it would be unnecessary to apply the diversification and weighting criteria set forth above.

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the portfolio for the Fund will not meet all of the ''generic'' listing requirements of Commentary .01 to NYSE Arca Rule 8.600–E applicable to the listing of Managed Fund Shares. The Fund's portfolio will meet all such requirements except for those set forth in Commentary .01(b)(1).[16]

The Exchange believes that it is appropriate and in the public interest to approve listing and trading of Shares of the Fund on the Exchange notwithstanding that the Fund would not meet the requirements of Commentary .01(b)(1) to Rule 8.600–E in that the Fund's investments in municipal securities will be well-diversified.

The Exchange believes that permitting Fund Shares to be listed and traded on the Exchange notwithstanding that less than 75% of the weight of the Fund's portfolio may consist of components with less than $100 million minimum

[13] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

[14] ''Periods of high cash inflows or outflows'' as used herein, mean rolling periods of seven calendar days during which inflows or outflows of cash, in the aggregate, exceed 10% of the Fund's net assets as of the opening of business on the first day of such periods.

[15] The Fund's investments in Municipal Securities will include investments in state and local (*e.g.,* county, city, town) Municipal Securities relating to such sectors as the following: Airports; bridges and highways; hospitals; housing; jails; mass transportation; nursing homes; parks; public buildings; recreational facilities; school facilities; streets; and water and sewer works.

[16] Commentary .01(b)(1) to NYSE Arca Rule 8.600–E provides that components that in the aggregate account for at least 75% of the fixed income weight of the portfolio each shall have a minimum original principal amount outstanding of $100 million or more.

original principal amount outstanding would provide the Fund with greater ability to select from a broad range of Municipal Securities, as described above, that would support the Fund's investment goal.

The Exchange believes that, notwithstanding that the Fund's portfolio may not satisfy Commentary .01(b)(1) to Rule 8.600–E, the Fund's portfolio will not be susceptible to manipulation. As noted above, the Fund's investments, excluding pre-refunded bonds, as described above, will be diversified among a minimum of 20 non-affiliated issuers; no single municipal securities issuer will account for more than 10% of the weight of the Fund's portfolio; no individual bond will account for more than 5% of the weight of the Fund's portfolio; the Fund will limit its investments in Municipal Securities of any one state to 20% of the Fund's total assets and will be diversified among issuers in at least 10 states; and the Fund will be diversified among a minimum of five different sectors of the municipal bond market.

The Exchange notes that the Commission has previously approved an exception from requirements set forth in Commentary .01(b) relating to municipal securities similar to those proposed with respect to the Fund.[17]

The Exchange notes that, other than Commentary .01(b)(1) to Rule 8.600–E, the Fund's portfolio will meet all other requirements of Rule 8.600–E.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[18] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on NYSE Arca from 4 a.m. to 8 p.m., E.T. in accordance with NYSE Arca Rule 7.34–E (Early, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Rule 7.6–E, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on NYSE Arca is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares of the Fund will conform to the initial and continued listing criteria under NYSE Arca Rule 8.600–E. Consistent with NYSE Arca Rule 8.600–E(d)(2)(B)(ii), the Adviser will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Fund's portfolio. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [19] under the Act, as provided by NYSE Arca Rule 5.3–E. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. The Fund's investments will be consistent with the Fund's investment goal and will not be used to enhance leverage.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, or by regulatory staff of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[20]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities.[21] In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in this rule filing shall constitute continued listing requirements for listing the Shares of the Fund on the Exchange.

The issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m).

[17] *See* Securities Exchange Act Release Nos. 82974 (March 30, 2018), 83 FR 14698 (April 5, 2018) (SR–NYSEArca–2017–99) (Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, to List and Trade Shares of the Hartford Schroders Tax-Aware Bond ETF Under NYSE Arca Rule 8.600–E); 82166 (November 29, 2017), 82 FR 57497 (December 5, 2017) (SR–NYSEArca–2017–90) (Order Approving a Proposed Rule Change, as Modified by Amendment No. 2, to List and Trade Shares of the Hartford Municipal Opportunities ETF Under NYSE Arca Rule 8.600–E).

[18] *See* NYSE Arca Rule 7.12–E.

[19] 17 CFR 240.10A–3.

[20] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[21] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Rule 9.2–E(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Early and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m., E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [22] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Rule 8.600–E. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to TRACE. FINRA also can access data obtained from the MSRB relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares. The Adviser is not a registered broker-dealer but is affiliated with a broker-dealer. The Adviser has implemented a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition of and/or changes to the Fund's portfolio.

The Exchange believes that it is appropriate and in the public interest to approve listing and trading of Shares of the Fund on the Exchange notwithstanding that the Fund would not meet the requirements of Commentary .01(b)(1) to Rule 8.600–E in that the Fund's investments in municipal securities will be well-diversified. As noted above, the Fund's investments will be well-diversified in that the Fund, excluding pre-refunded bonds, as described above, will have a minimum of 20 non-affiliated issuers; no single municipal securities issuer will account for more than 10% of the weight of the Fund's portfolio; no individual bond will account for more than 5% of the weight of the Fund's portfolio; the Fund will limit its investments in Municipal Securities of any one state to 20% of the Fund's total assets and will be diversified among issuers in at least 10 states; and the Fund will be diversified among a minimum of five different sectors of the municipal bond market. With respect to the proposed exclusion for pre-refunded bonds described above, generally, an issuer uses the proceeds from a new bond issue to buy high grade, interest bearing debt securities, including direct obligations of the U.S. government, which are then deposited in an irrevocable escrow account held by a trustee bank to secure all future payments of principal and interest on the pre-refunded bonds. The escrow would be sufficient to satisfy principal and interest on the call or maturity date and one would not look to the issuer for repayment. Because pre-refunded bonds' pricing would be valued based on the applicable escrow (generally U.S. government securities), such pre-refunded securities would not be readily susceptible to market manipulation and it would be unnecessary to apply the diversification and weighting criteria set forth above in ''Investment Restrictions.''

The Exchange believes that permitting Fund Shares to be listed and traded on the Exchange notwithstanding that less than 75% of the weight of the Fund's portfolio may consist of components with less than $100 million minimum original principal amount outstanding would provide the Fund with greater ability to select from a broad range of municipal securities, as described above, that would support the Fund's investment objective.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares will be available via the CTA high-speed line, and from the national securities exchange on which they are listed. Price information for Municipal Securities; cash equivalents; fixed income securities with maturities of three months or more (as described above); futures; exchange-traded and OTC swaps; structured notes; inverse floaters; variable or floating-rate fixed income securities (other than variable or floating rate Municipal Securities); zero-coupon debt securities (other than zero-coupon Municipal Securities); step-coupon or step-rate debt securities; and pay-in-kind securities will be available from one or more major market data vendors. Price information for certain fixed income securities held by the Fund is available through the FINRA's TRACE. Price information for certain Municipal Securities held by the Fund is available through MSRB's EMMA.

Prior to the commencement of trading, the Exchange will inform its

[22] 15 U.S.C. 78f(b)(5).

Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Rule 7.12–E have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. Trading in the Shares will be subject to NYSE Arca Rule 8.600–E(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that principally holds municipal securities and that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, IOPV, Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that principally holds municipal securities and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [23] and Rule 19b–4(f)(6) thereunder.[24] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.[25]

A proposed rule change filed under Rule 19b–4(f)(6) [26] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[27] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that waiver of the 30-day delayed operative date is consistent with the protection of investors and the public interest because the Commission has previously approved an exception from requirements set forth in Commentary .01(b) relating to municipal securities similar to those proposed with respect to the Fund.[28] Additionally, the Exchange asserts that the waiver will permit the prompt listing and trading of an additional issue of Managed Fund Shares that principally holds municipal securities, which will enhance competition among issuers, investment advisers and other market participants with respect to listing and trading of issues of Managed Fund Shares that hold municipal securities. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposed continued listing standards for the Shares are substantially similar to those applicable to others approved by the Commission for similar funds. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[29]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [30] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2018–62 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–NYSEArca–2018–62. 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

[23] 15 U.S.C. 78s(b)(3)(A)(iii).

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See supra* note 17 and accompanying text.

[29] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 15 U.S.C. 78s(b)(2)(B).

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 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2018–62, and should be submitted on or before September 26, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[31]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–19146 Filed 9–4–18; 8:45 am]

BILLING CODE 8011–01–P

[31] 17 CFR 200.30–3(a)(12).

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1268X]

Chicago Terminal Railroad—Abandonment Exemption—in Chicago, Illinois

Chicago Terminal Railroad (CTM) filed a verified notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a less than 0.1-mile portion of the ''Bloomingdale'' line in Chicago, Ill., between N. Elston Avenue and Union Pacific North Avenue Yard (the Line). The Line traverses United States Postal Service Zip Code 60642.

CTM has certified that: (1) No local freight traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the line (or a state or local government acting on behalf of any such user) regarding cessation of service over the line either is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,[1] this exemption will be effective on October 5, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by September 17, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 25, 2018,[4] with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CTM's representative: John D. Heffner, Clark Hill Strasburger, 1025 Connecticut Ave. NW, Suite 717, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void ab initio.

[1] The Board modified its OFA procedures effective July 29, 2017. Among other things, the OFA process now requires potential offerors, in their formal expression of intent, to make a preliminary financial responsibility showing based on a calculation using information contained in the carrier's filing and publicly available information. *See Offers of Financial Assistance,* EP 729 (STB served June 29, 2017); 82 FR 30,997 (July 5, 2017).

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. B at 13 (STB served August 8, 2018).

[4] CTM states that it operated the Line pursuant to an operating easement granted to CTM by Soo Line Railroad Company (Soo) and that Soo continues to the own the real estate underlying the Line. Thus, CTM states that the right of way currently used by the Line potentially could be appropriate for other public purposes.

CTM has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by September 10, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA, at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CTM shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CTM's filing of a notice of consummation by September 5, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.gov.*

Decided: August 30, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–19223 Filed 9–4–18; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36214]

Rock & Rail, LLC—Acquisition and Operation Exemption—Rail Lines of Martin Marietta Materials, Inc.

Rock & Rail, LLC (R&R), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate approximately 0.51 miles of rail line owned by Martin Marietta Materials, Inc. (MMM), located within MMM's existing industry facility in Weld County, CO, between milepost 14.97 and milepost 15.48, which includes existing yard, switching, and industry tracks (the Lines).

R&R states that it has reached an agreement, pursuant to which MMM would transfer its interests in the Lines and other related facilities to R&R, including a concrete ready-mix plant, a

6,412-foot loop track, and 1,315 feet of loading and unloading tracks.[1] R&R states that, pursuant to 49 U.S.C. 10906, it currently has the right to operate and perform switching and other types of operations on the Lines. MMM is currently the only company located at the facility. R&R seeks to acquire the MMM Lines and to operate them as common carrier track, as well to continue its § 10906 services. R&R states that the proposed acquisition and operation of the Lines do not involve a provision or agreement that would limit future interchange with a third-party connecting carrier.

R&R certifies that the proposed transaction will not result in R&R becoming a Class II or Class I rail carrier and that the projected annual revenues of R&R will not exceed $5 million.

The transaction may be consummated on or after September 19, 2018, the effective date of the exemption (30 days after the verified notice was filed).

If the verified 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. Petitions for stay must be filed no later than September 12, 2018 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36124, must be filed with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001. In addition, one copy of each pleading must be served on William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW, Suite 300, Washington, DC 20037.

According to R&R, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available on our website at *www.stb.gov*.

Decided: August 30, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2018–19200 Filed 9–4–18; 8:45 am]

BILLING CODE 4915–01–P

[1] MMM leases the underlying real property from Gerrard Investments, LLC, but owns the Lines and the ready-mix plant. R&R will obtain from MMM an assignment or sublease of the underlying lease and ownership of the Lines, the ready-mix plant, and any improvements on the site.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Funding Opportunity for the Department of Transportation's Competitive Highway Bridge Program for Fiscal Year 2018

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of funding opportunity.

SUMMARY: This notice announces a funding opportunity and requests grant applications for FHWA's Competitive Highway Bridge Program. Division L of the Consolidated Appropriations Act, 2018, appropriated $225 million to be awarded by DOT for a competitive highway bridge program. Eligible applicants are States that have a population density of less than 100 individuals per square mile. The funds must be used for highway bridge replacement and rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects. The FHWA will distribute these funds as described in this notice on a competitive basis in a manner consistent with the selection criteria.

DATES: This is a one-time opportunity for funding. The deadline for consideration is December 4, 2018 at 11:59 p.m.

ADDRESSES: Applications must be submitted through *Grants.gov* at *https://www.grants.gov/*.

FOR FURTHER INFORMATION CONTACT: The Competitive Highway Bridge Program staff via email at *CHBPgrant@dot.gov*.

Douglas A. Blades, Office of Bridges & Structures, FHWA, Office of Infrastructure, 1200 New Jersey Avenue SE, Room E75–3203, Washington, DC 20590, telephone: (202) 366–4622 or email: *Douglas.Blades@dot.gov;* Semme Yilma, Office of Bridges & Structures, FHWA, Office of Infrastructure, 1200 New Jersey Avenue SE, Room E75–3203, Washington, DC 20590, telephone: (202) 366–6712 or email: *Semme.Yilma@dot.gov*.

For legal questions, please contact Ms. Alla C. Shaw, Office of the Chief Counsel, at (202) 366–1042; by email at *Alla.Shaw@dot.gov;* or by mail at Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

Office hours for FHWA are from 8:30 a.m. to 4:00 p.m. EST, Monday through Friday, except Federal holidays.

In addition, FHWA will post information about the Competitive Highway Bridge Program on its website at *https://www.fhwa.dot.gov/bridge/chbp.cfm*.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for program grants. The applicant should read this notice in its entirety to submit eligible and competitive applications.

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I. Program Description

Division L of the Consolidated Appropriations Act, 2018 (Pub. L. 115–141, March 23, 2018) (''FY 2018 Appropriations Act''), appropriated $225 million to be awarded by DOT for a Competitive Highway Bridge Program. Eligible applicants are States that have a population density of less than 100 individuals per square mile. The funds must be used for highway bridge replacement and rehabilitation projects on any public roads that demonstrate cost savings by bundling multiple highway bridge projects. The Competitive Highway Bridge Program provides an opportunity to address significant challenges across the Nation for improving bridges that serve America.

II. Federal Award Information

A. Amount Available—The FY 2018 Appropriations Act appropriated the Competitive Highway Bridge Program as a grant program at $225 million for fiscal year (FY) 2018.

B. Availability of Funds—The funds provided for this program under the FY 2018 Appropriations Act are available for obligation through September 30, 2021, and expire after September 30, 2026.

III. Eligibility Information

To be selected for a Competitive Highway Bridge Program grant, an applicant must be an Eligible Applicant

and the projects must be Eligible Projects.

A. Eligible Applicants. Eligible applicants for Competitive Highway Bridge Program grants are State departments of transportation (State DOTs) from States that have a population density of less than 100 individuals per square mile based on the 2010 decennial census. The calculation of individuals per square mile is based on the land area, which is consistent with the practice of the U.S. Census Bureau. Per this requirement, eligible applicants are the State DOTs in Alabama, Alaska, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, West Virginia, and Wyoming.

B. Cost Sharing and Matching.

1. The standard Federal share of the cost of the project is up to 80 percent. For States on the sliding scale, the Federal share of the cost of the project is up to 95 percent in accordance with 23 U.S.C. 120(b). States on the sliding scale can find the maximum Federal share for a project in FHWA Notice N 4540.12 (Sliding Scale Rates In Public Land States—Rates Effective March 17, 1992). The notice is located at: (*https://www.fhwa.dot.gov/legsregs/directives/notices/n4540-12.cfm*).

2. The standard non-Federal share is not less than 20 percent of the cost of the project. For States on the sliding scale, the non-Federal share is not less than 5 percent of the cost of the project in accordance with 23 U.S.C. 120(b). Non-Federal sources of income include State funds originating from programs funded by State revenue or local revenue funding programs, or private funds. The FHWA will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirements for any project.

C. Other.

1. Eligible Projects. Eligible projects for a Competitive Highway Bridge Program grant are projects that meet all of the following eligibility criteria:

a. That demonstrate cost savings by bundling at least two highway bridge projects into a single contract. Bridge bundling is defined in 23 U.S.C. 144(j) as two or more similar bridge projects that are eligible projects under Sections 119 or 133; included as a bundled project in a transportation improvement program (TIP) under Section 134(j) or a statewide transportation improvement program (STIP) under Section 135, as applicable; and awarded to a single contractor or consultant pursuant to a contract for engineering and design or construction between the contractor and an eligible entity; and

b. That are for replacement and/or rehabilitation of highway bridges and are located on public roads. ''Public road'' is defined in 23 U.S.C. 101(a)(22) as any road or street under the jurisdiction of and maintained by a public authority and open to public travel. ''Highway'' is defined in 23 U.S.C. 101(a)(11) as a road, street, and parkway; a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, including public roads on dams, sign, guardrail, and protective structure, in connection with a highway; and a portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State transportation department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel. ''Bridge'' is defined in 23 CFR 650.305 as a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measuring along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipe culverts, where the clear distance between openings is less than half of the smaller contiguous opening. ''Replacement'' is defined in 23 CFR 650.405 as total replacement of a bridge with a new facility constructed in the same general traffic corridor. A nominal amount of approach work, sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice is also eligible. The replacement structure must meet the current geometric, construction and structural standards required for the types and volume of projected traffic on the facility over its design life. ''Rehabilitation'' is defined in 23 CFR 650.405 as the project requirements necessary to perform the major work required to restore the structural integrity of a bridge as well as the work necessary to correct major safety defects except as noted in 23 CFR 650.405(c) under ineligible work. Examples of bridge rehabilitation include, but are not limited to: Partial or complete deck replacement, superstructure replacement, and substructure/culvert strengthening or partial/full replacement. Incidental widening is often associated with some of these activities.

2. Application Limit. Each eligible applicant may submit no more than three applications.

IV. Application and Submission Information

A. Address—Applications must be submitted to *Grants.gov* at *http://www.grants.gov*.

B. Content and Form of Application Submission—The application must include the following:

1. Standard Form 424 (Application for Federal Assistance);

2. Standard Form 424C (Budget Information for Construction Programs);

3. A cover page, including the following chart:

Project Name:	
State Priority Ranking (maximum of 3)	# of #
Previously Incurred Project Eligible Costs	$
Future Eligible Project Costs	$
Total Project Cost	$
Program Grant Request Amount	$
Federal (DOT) Funding including Program Funds Requested	$

4. A project narrative—The project narrative should include the information necessary for FHWA to determine that the project satisfies the eligibility criteria described in Section C above and to assess how the application addresses the selection criteria specified in Section E. The FHWA recommends that the project narrative adhere to the following basic guidelines to clearly address the program requirements and make critical information readily apparent:

a. Project Description—The first section of the application should provide a concise description of the project, the transportation challenges it is expected to address, and how it will address those challenges. The description should include a list of the bridges in the bundling project and the type of work planned for each bridge. This list should include relevant National Bridge Inventory data, including the structure number, condition ratings, load posting information, functional classification, current average daily traffic, current average daily truck traffic, and other relevant data to support the need for the type of work planned.

b. Project Location—This section of the application should provide a detailed description of the location of the proposed project and geospatial data for the project, as well as a map of the

project's location and its connections to existing transportation infrastructure.

c. Project Parties—This section of the application should provide information about the entities involved in, and their respective roles in, supporting the project.

d. Grant Funds, Sources, and Uses of Project Funds—This section of the application should describe the project's budget. At a minimum, it should include:

i. Project costs.

ii. Funding—Document all funds to be used for eligible construction costs and the source and amount of those funds, including past or pending Federal funding requests for this project. Include the size, nature, and source of the required match for those funds, if applicable. Demonstrate that the requested Competitive Highway Bridge Program funds do not exceed the appropriate Federal share of future eligible project costs. For non-Federal funds to be used for eligible project costs, documentation of the funding commitments should be referenced and included with the application.

iii. Budget—Provide a detailed project budget showing how the Competitive Highway Bridge Program funds will be spent. The budget should estimate—by dollar amount and percentage of cost—the cost of construction work for each project component.

e. Include a table of contents, maps, and graphics, as appropriate, to make the project narrative and supporting information easier to review.

f. The FHWA recommends that the project narrative be prepared with standard formatting preferences (*i.e.,* a single-spaced document, using a standard 12-point font, such as Times New Roman, with 1-inch margins).

g. Provide website links to supporting documentation rather than copies of these supporting materials. If supporting documents are submitted, clearly identify the relevant portion of the project narrative that each document supports.

h. The FHWA recommends using appropriately descriptive names (*e.g.,* ''Project Narrative,'' ''Maps,'' ''Memoranda of Understanding and Letters of Support,'' etc.) for all attachments.

C. Selection Criteria—This section of the application should demonstrate how the project aligns with the selection criteria described below and in Section E of this notice. The FHWA encourages each applicant to either address each criterion or expressly state that the project does not address the criterion. Applicants are not required to follow a specific format, but the outline suggested below, which addresses each selection criterion separately, promotes a clear discussion that assists project evaluators. The applicant should address each selection criterion in appropriate sections. Guidance describing how the FHWA will evaluate a project against the selection criteria is in Section E of this notice. To the extent practicable, please provide data and evidence of project criteria in a form that is verifiable or publicly available. The FHWA may ask any applicant to supplement data in its application, but expects applications to be complete upon submission.

1. Selection Criteria.

a. Innovation.

This section of the application should describe any innovative technologies, strategies, or financing approaches used to improve bridge conditions, restore bridge capacity and/or add bridge capacity, and expedite project delivery, and the anticipated benefits of using those strategies, including those corresponding to three key categories: (i) Innovative Technologies, (ii) Innovative Project Delivery, or (iii) Innovative Financing.

i. Innovative Technologies—If an applicant is proposing to adopt innovative bridge design, material or construction technology, or financing approaches the applications should demonstrate the applicant's capacity to implement those innovations, the applicant's understanding of whether the innovations will require extraordinary permitting, approvals, or other procedural actions, and the effects of those innovations on the project delivery timeline.

ii. Innovative Project Delivery—If an applicant plans to use innovative approaches to project delivery, applicants should describe those project delivery methods and how they are expected to improve the efficiency of the project development or expedite project delivery.

iii. Innovative Financing—If an applicant plans to incorporate innovative funding or financing, the applicant should describe the funding or financing approach, including a description of all activities undertaken to pursue private funding or financing for the project and the outcomes of those activities.

b. Support for Economic Vitality.

This section of the application should describe the anticipated outcomes of the project that support economic vitality. The applicant should summarize the conclusions of the project's benefit-cost analysis (described in section D.3.2), including estimates of the project's benefit-cost ratio and net benefits. The applicant should also describe other data-supported benefits that are not included in the benefit-cost analysis. The benefit-cost analysis itself should be provided as an appendix to the project narrative.

c. Life-Cycle Costs and State of Good Repair.

This section of the application should include information that is sufficient for FHWA to evaluate how the project addresses this criterion, including:

i. A description of the condition of the bridges to be replaced or rehabilitated with Competitive Highway Bridge Program grant funds. Applicants should provide technical data about the existing bridge condition—preference will be given to bridges in poor condition or that are load restricted. ''Poor condition'' is defined in 23 CFR 490.409(b)(3) as having a rating of 4 or less for items 58-Deck, 59-Superstructure, 60-Substructure, or 62-Culvert based on the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges and as reported to the National Bridge Inventory (NBI). Load restricted bridges have a Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges item 41=P, E, or D as reported to the NBI.

ii. A description of the anticipated cost-savings of bundling bridge projects. Estimated cost to replace or rehabilitate each bridge as an individual project should be described, along with the total amount of all the projects, and compared with the cost of bundling the bridge projects into one project.

d. Project Readiness.

This section of the application should include information that, when considered with the project budget information presented elsewhere in the application, is sufficient for FHWA to evaluate whether the project is reasonably expected to begin construction before the expiration of the period of availability of Competitive Highway Bridge Program funds, (September 30, 2021) and that all Competitive Highway Bridge Program funds will be expended by September 30, 2026. To assist FHWA's project readiness assessment, the applicant should provide the information requested on project feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections.

i. Project Feasibility. This section of the application should demonstrate the feasibility of the project with the status of the project in the engineering and design phases; the basis for the cost estimate presented in the application, including the identification of

contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should describe in detail the bridge projects to be bundled and constructed.

ii. Project Schedule. The applicant should include a detailed project schedule that identifies major project milestones. Examples of such milestones include:

I. State and local planning approvals (programming on the STIP);

II. Start and completion of approvals under NEPA and other Federal environmental requirements; and

III. Other approvals including:

1. Permitting (including any required U.S. Coast Guard permits or Floodplain regulatory compliance);

2. Design completion;

3. Approval of plans, specifications, and estimates;

4. Procurement;

5. State and local approvals; and

6. Project partnership and implementation agreements, including agreements with railroads and for construction.

iii. The project schedule should be sufficiently detailed to demonstrate that:

I. All necessary activities will be completed to allow Competitive Highway Bridge Program funds to be obligated sufficiently in advance of the statutory deadline (September 30, 2021) and any unexpected delays will not put the funds at risk of expiring before they are obligated;

II. The project can begin construction quickly upon obligation of Competitive Highway Bridge Program funds, and the grant funds will be spent expeditiously once construction starts, with all Competitive Highway Bridge Program funds expended by September 30, 2026; and

III. All real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or no acquisition is necessary.

iv. Required Approvals.

I. Environmental Approvals. All activities required under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) demonstrate completion through:

1. A record of decision, if the NEPA class of action is an environmental impact statement;

2. A finding of no significant impact, if the NEPA class of action is an environmental assessment; or

3. A determination that the project is a categorical exclusion under the lead agency's NEPA policies.

II. State and local approvals. The applicant should demonstrate the receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals, and planning approvals and STIP or TIP funding.

2. Benefit-Cost Analysis. This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The results of the analysis should be summarized in the Project Narrative directly, as described in section 3.1.(b).

Detailed guidance for estimating some types of quantitative benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, is available in the Department's guidance for conducting BCAs for projects seeking funding under its discretionary grant programs (see *https://www.transportation.gov/office-policy/transportation-policy/benefit-cost-analysis-guidance*).

Applicants should delineate each of their project's expected outcomes in the form of a complete BCA to enable FHWA to evaluate the project's cost-effectiveness by estimating a benefit-cost ratio and calculating the magnitude of net benefits and costs for the project. In support of each project for which an applicant seeks funding, that applicant should submit a BCA that quantifies the expected benefits of each project against a no-build baseline, provides monetary estimates of the benefits' economic value, and compares the properly-discounted present values of these benefits to the project's estimated costs.

Benefits should be estimated for each individual bridge included in the bundle. In some cases, projects within a bundle may be expected to have collective benefits that are larger than the sum of the benefits of the individual projects included in the bundle. In such cases, applicants should clearly explain why this would be the case and provide any supporting analyses to that effect. Costs of the bundled project should be allocated to each individual bridge included in the bundle to the extent possible.

The primary economic benefits from projects eligible for the Competitive Highway Bridge Program are likely to include both reductions in future bridge maintenance costs and reduced user and non-user costs associated with work zones and detours due to weight restriction postings or closures of deteriorated bridges. Applicants may describe other categories of benefits in the BCA that are more difficult to quantify and value in economic terms, such as improving the reliability of travel times or improvements to the existing human and natural environments (such as increased connectivity, improved public health, storm water runoff mitigation, and noise reduction), while also providing numerical estimates of the magnitude and timing of each of these additional impacts wherever possible. Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period. The costs and benefits that are compared in the BCA should also cover the same project scope.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. Applicants should provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by FHWA evaluators.

3. Assessment of Project Risks and Mitigation Strategies. Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted non-Federal match, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should identify all material risks to the project and the strategies that the applicant and any project partners have undertaken or will undertake in order to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

2. Unique entity identifier and System for Award Management (SAM)—

1. Each applicant must:

a. Register in SAM before submitting its application;

b. Provide a valid unique entity identifier in its application; and

c. Continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. The

FHWA may not make a grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time FHWA is ready to make a grant, FHWA may determine that the applicant is not qualified to receive a grant and use that determination as a basis for making a grant to another applicant.

3. Submission Dates and Timelines—

1. Deadline—Applications will be accepted until 11:59 p.m. on December 4, 2018.

2. To submit an application through *Grants.gov*, applicants must:

a. Obtain a Data Universal Numbering System (DUNS) number;

b. Register with the SAM at *www.SAM.gov;*

c. Create a *Grants.gov* username and password; and

d. Respond to the registration email sent to the applicants E-Business Point of Contact (POC) from *Grants.gov* and log in at *Grants.gov* to authorize the applicant as the Authorized Organization Representative (AOR).

3. Please note that there can be more than one AOR for an organization. Applicants are encouraged to submit applications in advance of the application deadline; however, applications will not be evaluated, and awards will not be made, until after the application deadline.

4. Please note the *Grants.gov* registration process usually takes 2–4 weeks to complete, and FHWA will not consider late applications that are the result of failure to register or comply with *Grants.gov* applicant requirements in a timely manner. For information and instructions on each of these processes, please see instructions at *http://www.grants.gov/web/grants/applicants/applicant-faqs.html.* If applicants experience difficulties at any point during the registration or application process, please call the *Grants.gov* Customer Service Support Hotline at (800) 518–4726, Monday-Friday from 7:00 a.m. to 9:00 p.m. EST.

5. Consideration of Applications—Only applicants who comply with all submission deadlines described in this notice and electronically submit valid, sponsor-approved applications through *Grants.gov* will be eligible for awards. Applicants are strongly encouraged to make submissions in advance of deadlines.

6. Application Limit—Applications will be limited to three per State DOT.

7. Late Applications—Applications received after the initial deadline will be considered in subsequent awards based on availability of funds, except in the case of unforeseen technical difficulties that are beyond the applicant's control. The FHWA will consider late applications on a case-by-case basis. Applicants are encouraged to submit additional information documenting the technical difficulties experienced, including a screen capture of any error messages received.

4. Intergovernmental Review—The Competitive Highway Bridge Program is not subject to the Intergovernmental Review of Federal Programs.

B. Application Review Information

This section specifies the criteria that FHWA will use to evaluate and award Competitive Highway Bridge Program funds.

1. Selection Criteria.

1. Innovation.

a. Innovative Technologies—The FHWA will assess innovative approaches to design, materials and construction as well as financing of highway bridges. When making Competitive Highway Bridge Program award decisions, the FHWA will consider any innovative design, material and/or construction approaches proposed by the applicant, particularly projects which incorporate innovative design solutions, utilize new or innovative materials that improve bridge durability or use innovative construction techniques to accelerate project delivery. FHWA will also consider innovative approaches to project financing.

b. Innovative Project Delivery—The FHWA will consider the extent to which the project utilizes innovative practices in contracting, congestion management, asset management, or long-term operations and maintenance. The FHWA also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project delivery and achieve improved outcomes for communities and the environment. The FHWA's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery. While Competitive Highway Bridge Program award recipients are not required to employ innovative approaches, the FHWA encourages applicants to describe innovative project delivery methods for proposed projects.

c. Innovative Financing—The FHWA will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing and recycled revenue from the competitive sale or lease of publicly owned or operated assets.

2. Support for Economic Vitality.

The FHWA will consider the extent to which a project would support economic vitality. To the extent possible, the FHWA will rely on quantitative, data-supported analysis to assess how well a project addresses this criterion, including an assessment of the applicant-supplied benefit-cost analysis described in section D.3.2. In addition to considering the anticipated outcomes of the project that align with these criteria, the FHWA will consider estimates of the project's benefit-cost ratio and net quantifiable benefits.

3. Life-Cycle Costs and State of Good Repair.

As described in section 3.1.d above, the FHWA will consider two areas of information under this criterion:

Bridge Conditions. The FHWA will assess the project's ability to improve bridge conditions and load ratings. The FHWA will consider the project's ability to move a bridge from poor condition to good or fair condition or a project's ability to eliminate load restrictions.

Cost Savings. The FHWA will assess the anticipated cost savings associated with the bundling of bridge projects.

4. Project Readiness.

The FHWA will assess the readiness of the project to proceed to authorization for construction and timely obligation of the Competitive Highway Bridge Program funds before September 30, 2021. The FHWA will assess the schedule provided in the application and ability of the project to clear all activities required under NEPA, status of the project in planning and design, and milestones for project bidding and construction. Due to the timeframe for awarding grants under the Competitive Highway Bridge Program, priority will be given to applications that propose projects for construction as opposed to engineering and design.

2. Review and Selection Process—The FHWA will review all eligible applications received by the date noted on page 1 of this NOFO. The review and selection process will consist of a Technical Review and Senior Review. In the Technical Review, a team composed of technical staff from FHWA will review all eligible applications and rank projects based on how well the projects align with the selection criteria. The Senior Review team, composed of senior leadership from FHWA, including the FHWA Administrator, will determine which projects to recommend to the

Office of the Secretary based on the selection criteria. The final funding decisions will be made by the Secretary of Transportation.

3. Additional Information—Prior to award, each selected applicant will be subject to a risk assessment required by 2 CFR 200.205. The FHWA must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM, currently the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may review information in FAPIIS and comment on any information about itself. The FHWA will consider comments by the applicant in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

VI. Federal Award Administration Information

1. Federal Award Notices—The FHWA will announce awarded projects by posting a list of selected projects at *https://www.fhwa.dot.gov/bridge/chbp.cfm.* Following the announcement, FHWA will contact the point of contact listed in form SF–42.

2. Administrative and National Policy Requirements—All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR part 200, as adopted by DOT at 2 CFR 1201. In addition, applicable Federal laws, rules, and regulations of FHWA will apply to the projects that receive program funds, including planning requirements, agreements, Buy America compliance, and other grant program requirements.

3. Reporting—Each recipient of program funding must submit the Federal Financial Report (SF–425) on the financial condition of the project and the project's progress annually, as well as an Annual Budget Review and Program Plan to monitor the use of Federal funds and ensure accountability and financial transparency in the competitive highway bridge program by September 30 of each year. The FHWA reserves the right to request additional information, if necessary, to better understand the status of the project.

4. Reporting Matters Related to Integrity and Performance—If the total value of a selected recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, the applicant during that period of time must maintain the information reported to SAM and FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under Section 872 of Public Law 110–417, as amended (41 U.S.C. 2313). As required by Section 3010 of Public Law 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

5. Federal Awarding Agency Contact(s)—For further information concerning this notice, please contact the Competitive Highway Bridge Program staff via email at *CHBPgrant@dot.gov,* or call Douglas Blades at 202–366–4622. A TDD is available for individuals who are deaf or hard of hearing at 202–366–3993. In addition, FHWA will post answers to questions and requests for clarifications on FHWA's website at *https://www.fhwa.dot.gov/bridge/chbp.cfm.* To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions. The FHWA staff may also conduct briefings on the Competitive Highway Bridge Program discretionary grants selection and award process upon request.

VIII. Other Information

1. Protection of Confidential Business Information—All information submitted as part of, or in support of, any application shall use publicly available data or data that can be made public and methods that are accepted by industry practice and standards, to the extent possible. If the application includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following:

(1) Note on the front cover that the submission ''Contains Confidential Business Information (CBI)'';

(2) mark each affected page ''CBI''; and

(3) highlight or otherwise denote the CBI portions.

The FHWA protects such information from disclosure to the extent allowed under applicable law. In the event FHWA receives a Freedom of Information Act (FOIA) request for the information, FHWA will follow DOT procedures described in its FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under the Freedom of Information Act.

Authority: Public Law. 115–141.

Brandye L. Hendrickson,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 2018–19182 Filed 9–4–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2018–0040]

Surface Transportation Project Delivery Program; Alaska Department of Transportation Audit Report

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice; Request for comment.

SUMMARY: The Moving Ahead for Progress in the 21st Century Act (MAP–21) established the Surface Transportation Project Delivery Program that allows a State to assume FHWA's environmental responsibilities for environmental review, consultation, and compliance under the National Environmental Policy Act (NEPA) for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years to ensure the State's compliance with program requirements. This notice announces and solicits comments on the first audit report for the Alaska Department of Transportation and Public Facilities (DOT&PF).

DATES: Comments must be received on or before October 5, 2018.

ADDRESSES: Mail or hand deliver comments to Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. You may also submit comments electronically at *www.regulations.gov.* All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of

comments must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically. Anyone can search the electronic form of all comments in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). The DOT posts these comments, without edits, 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.*

FOR FURTHER INFORMATION CONTACT: Mr. David T. Williams, Office of Project Development and Environmental Review, (202) 366–4074, *David.Williams@dot.gov,* or Mr. Jomar Maldonado, Office of the Chief Counsel, (202) 366–1373, *Jomar.Maldonado@dot.gov,* Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this notice may be downloaded from the specific docket page at *www.regulations.gov.*

Background

The Surface Transportation Project Delivery Program, codified at 23 United States Code (U.S.C.) 327, commonly known as the NEPA Assignment Program, allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal highway projects. When a State assumes these Federal responsibilities, the State becomes solely liable for carrying out the responsibilities, in lieu of the FHWA. The DOT&PF published its application for NEPA assumption on May 1, 2016, and made it available for public comment for 30 days. After considering public comments, DOT&PF submitted its application to FHWA on July 12, 2016. The application served as the basis for developing a Memorandum of Understanding (MOU) that identifies the responsibilities and obligations that the DOT&PF would assume. The FHWA published a notice of the draft MOU in the **Federal Register** on August 25, 2017, with a 30-day comment period to solicit the views of the public and Federal Agencies. After the end of the comment period, FHWA and DOT&PF considered comments and proceeded to execute the MOU. Effective November 13, 2017, DOT&PF assumed FHWA's responsibilities under NEPA, and the responsibilities for NEPA-related Federal environmental laws described in the MOU.

Section 327(g) of Title 23, U.S.C., requires the Secretary to conduct annual audits during each of the first 4 years of State participation. After the fourth year, the Secretary shall monitor the State's compliance with the written agreement. The results of each audit must be made available for public comment. This notice announces the availability of the first audit report for DOT&PF and solicits public comment on same.

Authority: Section 1313 of Public Law 112–141; Section 6005 of Public Law 109–59; 23 U.S.C. 327; 23 CFR 773.

Issued on: August 28, 2018.

Brandye L. Hendrickson,

Deputy Administrator, Federal Highway Administration.

Draft FHWA Audit of the Alaska Department of Transportation

April 16–20, 2018

The Audit Team finds Alaska Department of Transportation and Public Facilities (DOT&PF) is carrying out the National Environmental Policy Act (NEPA) Assignment Program responsibilities (assumed November 2017) and is compliant with the provisions of the NEPA Assignment Program Memorandum of Understanding (MOU). The Alaska DOT&PF has established written internal policies and procedures for the assumed Federal responsibilities. Following 5 months after execution of the MOU, the Audit Team identified one non-compliance observation, seven general observations, and six successful practices. Overall, DOT&PF has carried out the environmental responsibilities it assumed through the MOU and the application for the NEPA Assignment Program.

Executive Summary

This report summarizes the results of the Federal Highway Administration's (FHWA) first audit of the Alaska DOT&PF NEPA review responsibilities and obligations that FHWA has assigned and DOT&PF has assumed pursuant to 23 United States Code (U.S.C.) 327. Throughout this report, FHWA uses the term ''NEPA Assignment Program'' to refer to the program codified at 23 U.S.C. 327. Under the authority of 23 U.S.C. 327, DOT&PF and FHWA signed a MOU on November 3, 2017, to memorialize DOT&PF's NEPA responsibilities and liabilities for Federal-aid highway projects and certain other FHWA approvals for transportation projects in Alaska. Except for three projects, which FHWA retained, FHWA's only NEPA responsibilities in Alaska are oversight and review of how DOT&PF executes its NEPA Assignment Program obligations. The MOU covers environmental review responsibilities for projects that require the preparation of environmental assessments (EAs), environmental impact statements (EIS), and categorical exclusions (CE).

As part of its review responsibilities under 23 U.S.C. 327, FHWA formed a team in October 2017 to plan and conduct an audit of NEPA responsibilities DOT&PF assumed. Prior to the on-site visit, the Audit Team reviewed DOT&PF's NEPA project documentation, DOT&PF's response to FHWA's pre-audit information request (PAIR), and DOT&PF's self-assessment of its NEPA Program. The Audit Team reviewed additional documents and conducted interviews with DOT&PF staff in Alaska on April 16–20, 2018.

The DOT&PF entered into the NEPA Assignment Program after more than 8 years of experience making FHWA NEPA CE determinations pursuant to 23 U.S.C. 326 (beginning September 22, 2009). The DOT&PF's environmental review procedures are compliant for CEs, and DOT&PF is implementing procedures and processes for CEs, EAs, and EISs as part of its new responsibilities under the NEPA Assignment Program. Overall, the Audit Team found that DOT&PF is successfully adding CE, EA, and EIS project review responsibilities to an already successful CE review program. The Audit Team identified one non-compliance observation, seven general observations, as well as several successful practices. The Audit Team finds DOT&PF is carrying out the responsibilities it has assumed and is in compliance with the provisions of the MOU.

Background

The NEPA Assignment Program allows a State to assume FHWA's environmental responsibilities for review, consultation, and compliance for Federal-aid highway projects. Under 23 U.S.C. 327, a State that assumes these Federal responsibilities becomes solely responsible and solely liable for carrying them out. Effective November 13, 2017, DOT&PF assumed FHWA's responsibilities under NEPA and other related environmental laws. Examples of responsibilities DOT&PF has assumed in addition to NEPA include Section 7

consultation under the Endangered Species Act (ESA) and consultation under Section 106 of the National Historic Preservation Act (NHPA).

Following this first audit, FHWA will conduct three more annual audits to satisfy provisions of 23 U.S.C. 327(g) and Section 11 of the MOU. Audits are the primary mechanism through which FHWA may oversee DOT&PF's compliance with the MOU and the NEPA Assignment Program requirements. This includes ensuring compliance with applicable Federal laws and policies, evaluating DOT&PF's progress toward achieving the performance measures identified in MOU Section 10.2, and collecting information needed for the Secretary's annual report to Congress. The FHWA must present the results of each audit in a report and make it available for public comment in the **Federal Register**.

The Audit Team consisted of NEPA subject matter experts from the FHWA Alaska Division, as well as from FHWA offices in Washington, District of Columbia; Atlanta, Georgia; Sacramento, California; and Lakewood, Colorado. These experts received training on how to evaluate implementation of the NEPA Assignment Program. In addition, the FHWA Alaska Division designated their Environmental Program Manager to serve as a NEPA Assignment Program liaison to DOT&PF.

Scope and Methodology

The Audit Team conducted an examination of DOT&PF's NEPA project files, DOT&PF responses to the PAIR, and DOT&PF's self-assessment. The audit also included interviews with staff and reviews of DOT&PF policies, guidance, and manuals pertaining to NEPA responsibilities. All reviews focused on objectives related to the six NEPA Assignment Program elements: program management; documentation and records management; quality assurance/quality control (QA/QC); legal sufficiency; training; and performance measurement.

The focus of the audit was on DOT&PF's individual project compliance and adherence to program practices and procedures. Therefore, while the Audit Team reviewed project documentation to evaluate DOT&PF's NEPA process and procedures, the team did not evaluate DOT&PF's project-specific decisions to determine if they were, in FHWA's opinion, correct or not. The Audit Team reviewed NEPA documents from 41 projects including Programmatic CEs, CEs, EAs and Re-evaluations, a representative sample of all NEPA documents in process or initiated after the MOU's effective date. The Audit Team also interviewed environmental staff in all three DOT&PF regions as well as their headquarters office.

The PAIR consisted of 66 questions about specific elements in the MOU. The Audit Team appreciates the efforts of DOT&PF staff to meet the review schedule in supplying their response. These responses were used to develop specific follow-up questions for the on-site interviews with DOT&PF staff.

The Audit Team conducted 22 on-site and 6 phone interviews. Interviewees included staff from each of DOT&PF's three regional offices and DOT&PF headquarters. The Audit Team invited DOT&PF staff, middle management, and executive management to participate in interviews to ensure the interviews represented a diverse range of staff expertise, experience, and program responsibility.

Throughout the document reviews and interviews, the Audit Team verified information on the DOT&PF NEPA Assignment Program including DOT&PF policies, guidance, manuals, and reports. This included the NEPA QA/QC Plan, the NEPA Assignment Program Training Plan, and the NEPA Assignment Self-Assessment Report.

The Audit Team utilized information obtained during interviews and project file documentation reviews to consider the State's implementation of the assignment program through DOT&PF environmental manuals, procedures, and policy. This audit is a compliance review of DOT&PF's adherence to their own documented procedures in compliance with the terms of the MOU. The team documented observations under the six NEPA Assignment Program topic areas. Below are the audit results.

Overall Audit Opinion

The Audit Team acknowledges DOT&PF's effort to establish written internal policies and procedures for the new responsibilities they have assumed. This report identifies one non-compliant observation that DOT&PF will need to address through corrective action. These non-compliance observations come from a review of DOT&PF procedures, project file documentation, and interview information. This report also identifies several notable observations and successful practices that we recommend be expanded. Overall, DOT&PF has carried out the environmental responsibilities it assumed through the MOU and the application for the NEPA Assignment Program, and as such the Audit Team finds that DOT&PF is substantially compliant with the provisions of the MOU.

Non-Compliance Observations

Non-compliance observations are instances where the team found DOT&PF was out of compliance or deficient in proper implementation of a Federal regulation, statute, guidance, policy, the terms of the MOU, or DOT&PF's own procedures for compliance with the NEPA process. Such observations may also include instances where DOT&PF has failed to maintain technical competency, adequate personnel, and/or financial resources to carry out the assumed responsibilities. Other non-compliance observations could suggest a persistent failure to adequately consult, coordinate, or consider the concerns of other Federal, State, Tribal, or local agencies with oversight, consultation, or coordination responsibilities. The FHWA expects DOT&PF to develop and implement corrective actions to address all non-compliance observations. The FHWA will conduct follow up reviews of non-compliance observations in Audit #2 from this review.

Observations and Successful Practices

This section summarizes the Audit Team's observations of DOT&PF's NEPA Assignment Program implementation, including successful practices DOT&PF may want to continue or expand. Successful practices are positive results that FHWA would like to commend DOT&PF on developing. These may include ideas or concepts that DOT&PF has planned but not yet implemented. Observations are items the Audit Team would like to draw DOT&PF's attention to, which may benefit from revisions to improve processes, procedures, or outcomes. The DOT&PF may have already taken steps to address or improve upon the Audit Team's observations, but at the time of the audit they appeared to be areas where DOT&PF could make improvements. This report addresses all six MOU topic areas as separate discussions. Under each area, this report discusses successful practices followed by observations.

This audit report provides an opportunity for DOT&PF to begin implementing actions to improve their program. The FHWA will consider the status of areas identified for potential improvement in this audit's observations as part of the scope of Audit #2. The second Audit Report will include a summary discussion that describes progress since the last audit.

Program Management

The review team acknowledges the DOT&PF's efforts to accommodate their environmental program to the 23 U.S.C. 327 responsibilities they have assumed. These efforts include updating their Environmental Procedures Manual, developing and implementing an expanded QA/QC Plan, establishing an Environmental Program Training Plan, and implementing a self-assessment process identifying deficiencies that were described and addressed in a report.

Successful Practices

The Audit Team found that DOT&PF has, overall, appropriately implemented its project-level review and compliance responsibility for CEs, EAs, and EISs. The DOT&PF has established a vision and direction for incorporating the NEPA Assignment Program into its overall project development process. This was clear in the DOT&PF's responses to FHWA's PAIR and in interviews with staff in the regions and at DOT&PF's headquarters office, commonly known as the Statewide Environmental Office (SEO).

The DOT&PF increased environmental staff in the SEO to support the new responsibilities under the NEPA Assignment Program. Staff at SEO are responsible for the review of some projects classified as CEs and all projects classified as EAs and EISs. Regional environmental staff coordinate their NEPA work through Regional Environmental Managers and NEPA Program Managers at SEO. Some staff responsibilities have changed under the NEPA Assignment Program, but positions have essentially remained unchanged. Following assumption of NEPA responsibilities, DOT&PF hired a statewide NEPA Assignment Program Manager who is responsible for overseeing DOT&PF's policies, manuals, guidance, and training under the NEPA Assignment Program.

The Audit Team would also like to recognize DOT&PF efforts to bring a lawyer into the early stages of project development to ensure a legally defensible document.

Non-Compliance Observation #1: Opportunity of a Public Hearing

Section 7.2.1 of the MOU requires the DOT&PF to develop procedures to implement the responsibilities assumed. This review identified one example of deficient adherence to these State procedures. This Audit Team identified one project file where DOT&PF did not offer the opportunity for a public hearing for the release of the Draft EA consistent with its own public involvement procedures in the January 2005 Preconstruction Manual Section 520.4.1 or the February 2018 Environmental Procedures Manual Section 4.4.2. The Audit Team confirmed with SEO that although public meetings were held, no opportunity for a public hearing was provided.

Observation #1: Programmatic Section 106 Compliance and Section 4(f) Compliance

The DOT&PF's November 2017 Section 106 Programmatic Agreement (PA) established an alternate procedure for Section 106 compliance in Alaska which allows the use of a streamlined process. The Audit Team identified a risk to DOT&PF in the application of their Section 106 PA to projects that require integrating the Section 106 process results to comply with the requirements of Section 4(f).

a. The PA notes that the streamlined process is applicable to projects with low potential to affect historic properties. The DOT&PF staff characterized how they apply the streamlined Section 106 process to individual projects as ones that result in little or no potential to affect historic properties. The DOT&PF project documentation for the streamlined Section 106 compliance is a form that does not identify either a project effect or the effect to a specific historic property.

b. Because the use of the streamlined form does not identify a Section 106 effect for any individual historic property, the DOT&PF documentation cannot support any required Section 4(f) de minimis impact determinations. (see 23 CFR 774.5(b)(1))

Observation #2: Lack of a process to implement planning consistency at time of a NEPA decision

Section 3.3.1 of the MOU requires DOT&PF to, at the time they make a NEPA approval (CE determination, finding of no significant impact, or record of decision) check to ensure that the project's design concept, scope, and funding is consistent with current planning documents. Reviews of project documents provided no evidence that DOT&PF staff had reviewed planning documents for availability of funding. Through interviews it was clear that their understanding of this requirement varied. Through reviews of DOT&PF manuals, the Audit Team could not find a procedure for staff to follow so that at the time staff makes a NEPA approval, they are also checking (and documenting) that the project's design concept, scope, and funding is consistent with planning documents.

Observation #3: Staff Capacity

Sections 4.2.1 and 4.2.2 discuss the State's commitment of resources and adequate organizational and staff capability. Several DOT&PF staff explained through interviews, that since the State's entry into the full NEPA Assignment Program, their required review and documentation efforts dramatically increased. We learned from two region office staff that, because of the increased workload, the region office did not have sufficient resources to manage the workload associated with the NEPA Assignment Program. A related concern was the challenge in retaining qualified staff, possibly leading to a delay in project delivery. (MOU Section 4.2.1 and 4.2.2)

Observation #4: Government-to-Government Consultation

Section 3.2.3 of the MOU excludes assignment of the responsibility for Government-to-Government consultation with Tribes, to DOT&PF. The Audit Team learned through interviews, and a check of DOT&PF's environmental manual, that the DOT&PF has no written procedures on how its staff are to accommodate a Tribal request for Government-to-Government consultation with FHWA. Through interviews it was apparent that DOT&PF's staff has an inconsistent understanding of how to handle this scenario. Staff indicated they would like written guidance that addresses the process that includes FHWA's role. (MOU Section 3.2.3)

Documentation and Records Management

The NEPA Assignment Program became effective on November 13, 2017. From that effective date through February 28, 2018, the DOT&PF made 56 project decisions. By employing both judgmental and random sampling methods, the Audit Team reviewed NEPA project documentation for 41 of these decisions.

Successful Practices

The Audit Team recognizes several efforts to improve consistency of filing project documentation learned through project documentation reviews and interviews. These include: the use of a standardized electronic folder structure developed by Central Region; a spreadsheet template used in Central Region to manage tasks and standardize filing of project documents; and Southcoast Region utilizing a document

specialist to ensure that project files are complete.

The Audit Team would also like to commend DOT&PF's use of the optional 23 CFR 771.117(e) form for CE projects classified as c(26), c(27), or c(28) because it clearly and efficiently demonstrates that the conditions required for the project to be processed as a ''c-list'' CE have been met. We urge DOT&PF management to consider making this form a required part of CE documentation.

Observation #5: Section 106 Compliance

Section 5.1.1 of the MOU requires the State to follow Federal laws, regulations, policy, and procedures to implement the responsibilities assumed, and Section 4.2.3 specifically calls out requirements pertaining to historic properties. This review identified two examples of deficient adherence to these Federal Section 106 compliance procedures. The regulations that implement Section 106 of the NHPA require the Agency Official to consider the impacts of their undertaking on historic properties and to afford the State Historic Preservation Officer (SHPO) an opportunity to comment. Through project file reviews, the Audit Team identified one instance where the Section 106 review did not consider the full extent of the project's undertaking. This was a project where an off-ramp bypass lane was added to the project but was not considered as part of Section 106 compliance. Note that this error was also discovered by DOT&PF during their self-assessment and corrective action has been completed. In the second instance, the review of project file documentation revealed that DOT&PF incorrectly made a decision that Section 106 compliance requirements to make an effect determination did not apply.

Quality Assurance/Quality Control

The Audit Team recognizes that the DOT&PF is in the early stages of the NEPA Assignment Program. However, the Audit Team made the following observations related to QA/QC.

Successful Practices

The MOU requires the DOT&PF to conduct an annual self-assessment of its QA/QC process and performance. The Audit Team found the DOT&PF's self-assessment report to be well-written and comprehensive with in-depth analyses. This documents their commitment to implementing a compliant NEPA Assignment Program.

The Audit Team would like to recognize the SEO's use of the QA/QC database for tracking QA/QC reviews. This allows them to quantify the review results to better identify trends or areas of concern that should be addressed.

The Audit Team learned through interviews that the Section 106 professionally qualified individuals in SEO review the information the regions submit to the SHPO. The SEO staff said that the records were adequate overall, but occasional follow up with individual regions was necessary to increase the clarity and address possible omissions. This SEO feedback should result in increased consistency and clarity in Section 106 documentation subject to interagency review.

Observation #6: QC staff roles and responsibilities

The DOT&PF's QA/QC plan identifies a Project Development Team who would review documents to ensure consistency, conciseness, and overall quality, but it does not discuss specific responsibilities of individual members for the QA/QC process. In addition, staff did not consistently articulate the QA/QC responsibilities of the Project Development Team members. The Audit Team would like to draw the DOT&PF's attention to what appears to be an inconsistent awareness of the use of Project Development Teams and the roles and responsibilities of team members for QC.

Training Program

Per MOU Section 12 Training, the DOT&PF committed to implementing training necessary to meet its environmental obligations assumed under the NEPA Assignment Program. As required in the MOU the DOT&PF also committed to assessing its need for training, developing a training plan, and updating the training plan on an annual basis in consultation with FHWA and other Federal Agencies as deemed appropriate.

The DOT&PF developed the 2018 Environmental Program Training Plan to fulfill the requirements of Section 12 of the MOU. The 2018 Environmental Program Training Plan is a comprehensive document that addresses a number of issues related to training including:

- a variety of in-person and virtual training methods that could be used by DOT&PF;
- the timing of, and approach to, updating the 2018 Environmental Program Training Plan;
- the development of an individual training plan (ITP) that outlines both mandatory and non-mandatory training;
- the training and experience the employees must acquire to be considered for promotion; and
- maintaining a record of trainings that were taken by employees in the last 3 years and their anticipated training requests for the upcoming year.

Successful Practices

Tracking environmental training is required by the DOT&PF's 2018 Environmental Program Training Plan. One PD&E Chief shared a spreadsheet developed to track all the training taken by his staff, including environmental courses. The Audit Team believes this tool will help ensure employees received required training to advance the NEPA Assignment Program.

Observations:

Observation #7: Training Program

MOU Sections 12.2, 4.2.2 and 4.2.3 require the DOT&PF to retain staff and the organizational capacity to implement their program and to implement training. Training often is an important tool for attaining and maintaining staff and organizational capacity. The Audit Team asked DOT&PF staff to share their perceptions about the training requirements in the plan; the adequacy of the training budget; and how training relates to their job responsibilities, performance, and employee development and promotion. The Audit Team urges the DOT&PF to consider ways to accommodate training needs and consider various approaches to deliver necessary training in a timely manner:

a) Regarding training requirements, some interviewees said that the DOT&PF's training plan requirements were unrealistic because either: 1) staff was too busy working on projects to have the time to complete the training courses identified in the plan; or 2) given the turnover rates in their office and the frequency of training offered, employees were unlikely to get all required training during their tenure. The Audit Team considers the plan to be realistic and urges the DOT&PF to consider ways to address these challenges.

b) Regarding the training budget, interview responses revealed no consensus. The DOT&PF management indicated a strong desire to have a robust NEPA program and some interviewees responded that they felt that the training budget was adequate. However, responses from other interviewees indicated that the training budget was inadequate, especially as it relates to travel. The Audit Team was unable to resolve whether the budget was inadequate and will consider this issue again in the next audit.

c) The 2018 Environmental Program Training Plan links training to employee

development and promotion. Interviews revealed: (1) inconsistent preparation and use of an ITP as is required for employees; (2) perceptions that training requirements for flexing from an Analyst 1 to Analyst 2 position are clearly spelled out, but not for advancement beyond an Analyst 2 position; (3) concerns that training opportunities are too limited or not available; and (4) some employees have not had a performance review in several years. Based on this input, the Audit Team suggests that the DOT&PF focus on additional ways to improve implementation of their Training Plan.

d) Regarding training needs, DOT&PF staff indicated a need for Section 4(f) training, according to interviews in all three regions and SEO. Multiple interviewees also identified a need for training in noise and floodplains. Training needs cited at a lesser frequency included ESA, cumulative effects, Section 408, EA/EIS, QA/QC, Planning and Environmental Linkages, stream enhancement, NEPA, conflict resolution and mediation. Given that the DOT&PF is now implementing additional environmental review responsibilities based on the MOU, and staff recognize the need to be prepared to embrace those responsibilities, the Audit Team urges the DOT&PF to address these training needs expeditiously, and be sensitive to ongoing training needs.

Performance Measures

The DOT&PF has demonstrated it has taken an active interest in developing, monitoring, and implementing the performance measures required by the MOU. The March 21, 2018, DOT&PF NEPA Assignment Self-Assessment Summary Report contained the results of the DOT&PF's first report of its assessment of NEPA Assignment and DOT&PF procedures compliance. The DOT&PF's March 1, 2017, response to FHWA's PAIR included answers to questions posed on performance measures. Because of the information provided in these two documents, combined with the fact that a relatively brief period of time has transpired since the MOU became effective, the Audit Team has not identified any observations or successful practices here. However, the following discussion describes the current status of the DOT&PF's performance measures.

The DOT&PF's performance measure to assess change in communication among the DOT&PF, Federal and State resource agencies, and the public resulting from assumption of responsibilities under this MOU was based on the experience of a single EA project, according to DOT&PF's self-assessment summary report. Through interviews, the Audit Team learned that the DOT&PF believes the resource agencies will observe little change in communication and consultation because DOT&PF had been operating under a 23 U.S.C. 326 MOU since September 2009.

The DOT&PF's self-assessment summary report suggests some early efficiencies have been observed, but the consensus from interviews was that it is too early to determine if substantial increased efficiencies and timeliness will result from the program. Some individuals indicated that over time the program should result in increased efficiencies and timeliness.

Through interviews, the Audit Team learned that data for performance measures are being collected and presented quarterly to DOT&PF management for use in decisionmaking. Also, that DOT&PF believes the existing performance measures are comprehensive and adequate. The DOT&PF leadership said that performances measures will be evaluated annually to determine if adjustment is needed.

Legal Sufficiency

Interviews with both staff and management attorneys emphasized the legal sufficiency review process emulated FHWA's ''early legal involvement'' concept, i.e., bringing a lawyer onto the reviewing team at an early stage in project development. We learned that DOT&PF staff do not need to go through management to talk to an attorney, but may call or email at any time (and, with regard to EAs, have done so under NEPA Assignment). Management noted specific review steps are to take place at the both draft and final stages for assigned EISs and Individual Section 4(f) Evaluations.

At this time, the Alaska Department of Law (DOL) expressed no intention of expanding the number of staff attorneys assigned to document review; however, it has a contingency plan should workload increase significantly in future. Specifically, should DOT&PF be sued over an assigned project, DOL tentatively intends to contract with outside counsel (per 23 U.S.C. 327[a][2][G]) to handle the litigation rather than make a single staff attorney divide his time between document review and defending the case. The Transportation Section attorney would act as support counsel to the litigators in a manner similar to the way FHWA counsel provide litigation support to the U.S. Department of Justice when it defends FHWA's environmental decisions in court. (MOU Section 6.1.1)

Next Steps

The FHWA provided this draft audit report to DOT&PF for a 14-day review and comment period. The Audit Team considered DOT&PF comments in developing this draft audit report. The FHWA will publish a notice in the **Federal Register** for a 30-day comment period in accordance with 23 U.S.C. 327(g). No later than 60 days after the close of the comment period, FHWA will respond to all comments submitted to finalize this draft audit report pursuant to 23 U.S.C. 327(g)(B). The FHWA will publish the final audit report in the **Federal Register**.

[FR Doc. 2018–19184 Filed 9–4–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Information Collection and Request for Public Comment

ACTION: Notice and request for public comment.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13. Currently, the Community Development Financial Institutions Fund (CDFI Fund), Department of the Treasury, is soliciting comments concerning the Community Development Financial Institutions Program—Certification Application, which will be submitted through the Awards Management Information System (AMIS).

DATES: Written comments must be received on or before November 5, 2018 to be assured of consideration.

ADDRESSES: Submit your comments via email to Tanya McInnis, Acting Program Manager for the Office of Certification, Compliance Monitoring and Evaluation, CDFI Fund, at *ccme@cdfi.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Tanya McInnis, Acting Program Manager for the Office of Certification, Compliance Monitoring and Evaluation, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington DC 20220 or by phone

at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *http://www.cdfifund.gov.*

SUPPLEMENTARY INFORMATION:

Title: Community Development Financial Institutions Program—Certification Application.

OMB Number: 1559–0028.

Type of Review: Regular Review.

Abstract: A certified Community Development Financial Institution (CDFI) is a specialized financial institution that works in market niches that are underserved by traditional financial institutions. CDFIs provide a unique range of financial products and services in economically distressed target markets, such as mortgage financing for low-income and first-time homebuyers and not-for-profit developers, flexible underwriting and risk capital for needed community facilities, and technical assistance, commercial loans and investments to small start-up or expanding businesses in low-income areas. CDFIs include regulated institutions such as community development banks and credit unions, and non-regulated institutions such as loan and venture capital funds.

CDFI certification is a designation conferred by the CDFI Fund and is a requirement for accessing financial and technical assistance awards from the CDFI Fund through the CDFI Program and Native American CDFI Assistance Program, as well as certain benefits under the Bank Enterprise Award Program, to support an organization's established community development financing programs. A financial institution seeking to become a certified CDFI and qualify to access assistance from the CDFI Fund must complete the CDFI Certification Application. The revised application includes four (4) administrative changes designed to provide clarification and consistency to better understand the work of the CDFI Certification Applicant.

Affected Public: Businesses or other for-profit institutions, non-profit entities, and State, local, and Tribal entities participating in CDFI Fund programs.

Estimated Number of Respondents: 300.

Estimated Annual Time per Respondent: 37.5 hours.

Estimated Total Annual Burden Hours: 11,250 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on all aspects of the information collection, but commentators may wish to focus particular attention on: (a) The cost for CDFIs to operate and maintain the services/systems required to provide the required information; (b) ways to enhance the quality, utility, and clarity of the information to be collected; (c) whether the collection of information is necessary for the proper evaluation of the effectiveness and impact of the CDFI Fund's programs, including whether the information has practical utility; (d) the accuracy of the CDFI Fund's estimate of the burden of the collection of information, and; (e) ways to minimize the burden of the collection of information including through the use of technology.

Authority: 12 U.S.C. 4703, 4703 note, 4704, 4706, 4707, 4717; 12 CFR part 1805.

Mary Ann Donovan,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2018–19194 Filed 9–4–18; 8:45 am]

BILLING CODE 4810–70–P

FEDERAL REGISTER

Vol. 83 Wednesday,

No. 172 September 5, 2018

Part II

The President

Notice of August 31, 2018—Notice of Intention To Enter Into a Trade Agreement

Federal Register
Vol. 83, No. 172
Wednesday, September 5, 2018

Presidential Documents

Title 3—

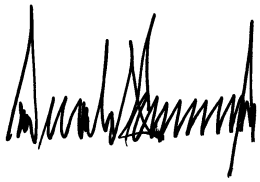
The President

Notice of August 31, 2018

Notice of Intention To Enter Into a Trade Agreement

Consistent with section 106(a)(1)(A) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26, Title I) (the ''Act''), I have notified the Congress of my intention to enter into a trade agreement with Mexico—and with Canada if it is willing, in a timely manner, to meet the high standards for free, fair, and reciprocal trade contained therein.

Consistent with section 106(a)(1)(A) of the Act, this notice shall be published in the *Federal Register*.



THE WHITE HOUSE,
August 31, 2018.

[FR Doc. 2018–19411
Filed 9–4–18; 11:15 am]
Billing code 3295–F8–P

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List August 17, 2018

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